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COMMITTEE MEETING  
STATE OF CALIFORNIA  
INTEGRATED WASTE MANAGEMENT BOARD  
SUSTAINABILITY AND MARKET DEVELOPMENT COMMITTEE

JOE SERNA, JR., CALEPA BUILDING  
1001 I STREET  
2ND FLOOR  
COASTAL VALLEY HEARING ROOM  
SACRAMENTO, CALIFORNIA

TUESDAY, JANUARY 11, 2005  
9:30 A.M.

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Ms. Rosario Marin

Ms. Rosalie Mul

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Mr. Fernando Berton, Supervisor, Organics Materials  
Management

Mr. Eric Bissinger, Staff

Mr. Michael Bledsoe, Staff Counsel

Ms. Marie Carter, Chief Counsel

Ms. Kathy Davis, Staff

Ms. Betty Fernandez, Staff

Ms. Judy Friedman, Branch Manager, Organics & Resource  
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Mr. Bob Fujii, Supervisor, Tire Remediation & Engineering  
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Mr. Keir Furey, Staff

Ms. Marshalle Graham, Staff

Ms. Marie Kakutani, Staff

Ms. Susan Kumpulainien, Committee Secretary

Mr. Jim Lee, Deputy Director

Ms. Natalie Lee, Staff

APPEARANCES CONTINUED

STAFF

Ms. Cara Morgan, Branch Manager, Office of Local Assistance

Mr. John Nuffer, Staff

Mr. Zane Poulson, Staff

Ms. Yasmin Satter, Staff

Mr. Steve Sorelle, Supervisor, Office of Local Assistance

Mr. Steve Storelli, Staff

Ms. Patty Wohl, Deputy Director

ALSO PRESENT

Mr. Michael Blumenthal, Rubber Manufacturing Association

Mr. Matt Cotton, Integrated Waste Management Consultant

Ms. Jessica Diridoni, Monterey County Health Department

Mr. Evan Edgar, CRRC

Mr. Jim Hemminger, Rural Counties ESJPA

Mr. George Larson, Plastics Energy

Mr. Terry Leveille, TL & Associates

Mr. Mike Mohajer

Mr. Dennis Schuetzle, REI International

Mr. Greg Shipley, Waste to Energy

Mr. Scott Smithline, Californians Against Waste

Mr. James Stewart, BRI Energy, Inc.

Mr. Michael Theroux, Theroux Environmental

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1 PROCEEDINGS

2 CHAIRPERSON PAPARIAN: Good morning, everybody.

3 This is the Sustainability and Market Development  
4 Committee.

5 Start with a roll call.

6 SECRETARY KUMPULAINIEN: Marin?

7 COMMITTEE MEMBER MARIN: Present.

8 SECRETARY KUMPULAINIEN: Mulé?

9 COMMITTEE MEMBER MULÉ: Here.

10 SECRETARY KUMPULAINIEN: Paparian?

11 CHAIRPERSON PAPARIAN: Here.

12 Just a reminder to everybody in the audience, if  
13 you have your cell phones or pager -- I guess not many  
14 people have pagers anymore. But if you have one of those  
15 things that make noise, if you could turn it to the silent  
16 or vibrate mode, that would be appreciated.

17 Any ex partes?

18 COMMITTEE MEMBER MULÉ: I'm up to date.

19 COMMITTEE MEMBER MARIN: Mr. Chairman, I attended  
20 a Latino Appointees and Elected Officials Reception, and  
21 there were quite a lot of people in that particular  
22 setting, a number of legislators.

23 And then I attended a Contract Cities Reception  
24 put together by the people from Consolidated and Republic  
25 Services. I will provide the listing of the different

1 cities and the representatives from Consolidated. But I'm  
2 ex parting that. I don't have the list of all the people  
3 that were there, but I'll try to get it as soon as I can.

4 CHAIRPERSON PAPARIAN: Thank you.

5 And I'm up to date.

6 So I think if there's nothing else, we can jump  
7 right into the agenda. We have a fairly lengthy agenda  
8 today.

9 Ms. Wohl, do you have any Deputy Director's  
10 Report?

11 DEPUTY DIRECTOR WOHL: Yes, I do.

12 Good morning, Chair Paparian and Committee  
13 members. Patty Wohl with the Waste Prevention and Market  
14 Development Division.

15 I have a few things I just wanted to inform the  
16 Committee on, the first being that the bulk loan sale did  
17 close on December 15th. The Board will be receiving two  
18 payments, the first of which was received for \$9 million,  
19 is now available for new loans. In addition, Capital  
20 Crossing Bank did reimburse us for the legal fees to the  
21 tune of approximately \$40,000. The balance of the loan  
22 sale proceeds, which is about 10 million, will be due on  
23 December 15th, 2005, and there is currently over 13  
24 million available for RMDZ loans. So we'll be sending out  
25 notifications to the business and saying, come, we have

1 money.

2           Also, which is standard practice, I need to  
3 report whenever the interest rate changes. And we would  
4 like to publicly announce the new RMDZ loan interest rate  
5 is anticipated to be 5.25 percent. I think we'll know for  
6 sure when the Board meets on January 18th. This equals  
7 the current national prime rate of interest. The rate  
8 will be charged on all new RMDZ loans for the six-month  
9 period beginning now and ending June 30th, 2005. As a  
10 reminder, it was 4.25 percent, so prime is going up.

11           As far as the e-waste team, as you know,  
12 January 1st was the official kickoff. Retailers are  
13 currently collecting the e-waste recycling fee between 6  
14 and \$10. That has started. We have 10 recyclers and  
15 approximately 80 collectors that have been listed on our  
16 website. So that's beginning, which is erecycle.org.  
17 Also available at erecycle.org, I think I mentioned last  
18 time, we have camera-ready point of purchase ads and  
19 websites so that the retailers can use that. So next time  
20 you visit a retailer, you might want to see if you see our  
21 logos posted there.

22           And, lastly, I wanted to mention an upcoming  
23 forum, the Motion Picture Forum. We'll be holding a  
24 one-day forum at UCLA on February 4th on sustainability in  
25 the motion picture industry. The objective of the forum

1 is to showcase current sustainable practice throughout the  
2 motion picture and TV industry, to educate the industry  
3 about their environmental footprint, and to introduce  
4 existing green resources, and to inspire, you know, a  
5 broader discussion on environmental issues in the  
6 industry. Chair Rosario Marin has graciously agreed to  
7 speak at the event, and we have several others from the  
8 motion picture industry. So if any of you are interested  
9 in attending, let us know that.

10 That concludes my report, unless there's any  
11 questions.

12 CHAIRPERSON PAPARIAN: I think I'm going to be at  
13 the event also.

14 COMMITTEE MEMBER MARIN: Are you an actor?

15 CHAIRPERSON PAPARIAN: I try to be. We all try  
16 to be.

17 And then maybe at the full Board meeting we might  
18 want to talk just a little bit more about the e-waste.  
19 You know, it's an important new program for the Board.

20 DEPUTY DIRECTOR WOHL: I'll write something up  
21 for Mark's report.

22 CHAIRPERSON PAPARIAN: And then one thing for  
23 everybody in the audience, the one thing I failed to  
24 mention, if you want to speak on any item, there are  
25 speaker slips in the back of the room. If you can fill

1 one out and hand it to Ms. Kumpulainen here in the front  
2 of the room, we'll make sure to get that to call on you  
3 when your agenda item comes up.

4 DEPUTY DIRECTOR WOHL: Go ahead? So we're  
5 starting with Item Number 9, which is Committee Item B,  
6 Consideration of Adoption of Recycling Market Development  
7 Zone Loan Regulations to Allow the Use of RMDZ Loan Funds  
8 to Leverage Private, Nonprofit, or Government Loan Funds,  
9 and Adoption of Proposed Technical Revisions to RMDZ Loan  
10 Regulations. And John Nuffer will present.

11 MR. NUFFER: Good morning, Members.

12 In this item, staff is asking for the Board's  
13 adoption of revised RMDZ loan regulations. The revised  
14 regulations, because of the Board's interest in leveraging  
15 its funds or using its funds to promote more public and  
16 private lending to company's that make recycled content  
17 products. At the last Committee meeting, you authorized  
18 us to send out the regs for another 15-day public review.  
19 We did that. There were no comments. And we did that  
20 additional 15-day review to notice the three changes we  
21 made at the request of the Association of Zone  
22 Administrators. There were no comments on those changes.

23 So at this point we're ready to send those regs  
24 off to the Office of Administrative Law. We've made the  
25 determinations that we were required to say that the regs

1 will not have a negative effect on issues like housing and  
2 jobs and the competitive climate in California. In fact,  
3 we think they'll have a positive effect.

4 So with that, we'll be happy to answer questions.

5 CHAIRPERSON PAPARIAN: So you received no  
6 comments. And is there anybody here who's going to speak  
7 on this item? I don't think so.

8 STAFF COUNSEL BLEDSOE: Mr. Chair, just for the  
9 record, I'd like to point out this is also serving as the  
10 public hearing on the proposed regulations.

11 COMMITTEE MEMBER MARIN: Mr. Chair, without going  
12 further into it, I know this was a response to the  
13 concerns that the loan administrators had raised. So, in  
14 fact, the lack of comment means approval of it; right?

15 MR. NUFFER: Yes. And I spoke with Mr. Lautze,  
16 who's the President of the Association, a couple days ago,  
17 and he was fine with things. They want to be involved and  
18 we want them to be involved.

19 COMMITTEE MEMBER MARIN: I'm glad. I know we're  
20 doing this per their request. I can guarantee you if  
21 there was a problem, they would have come back to us and  
22 let us know about that.

23 So without further comment, Mr. Chairman, I'd  
24 like to move Resolution 2005-27.

25 COMMITTEE MEMBER MULÉ: Second.

1 CHAIRPERSON PAPARIAN: That's 2005-27 revised as  
2 it's in our binder.

3 Secretary, call the roll.

4 SECRETARY KUMPULAINIEN: Marin?

5 COMMITTEE MEMBER MARIN: Aye.

6 SECRETARY KUMPULAINIEN: Mulé?

7 COMMITTEE MEMBER MULÉ: Aye.

8 SECRETARY KUMPULAINIEN: Paparian?

9 CHAIRPERSON PAPARIAN: Aye.

10 Can we put this on consent? Yes, we can. We'll  
11 put this on consent, if that's all right.

12 DEPUTY DIRECTOR WOHL: Agenda Item 10 or  
13 Committee Item C, Discussion of California's Compost and  
14 Mulch Producing Infrastructure. And this is actually the  
15 second study we've done. The last one was done a couple  
16 years ago. And Steve Storelli will present.

17 (Thereupon an overhead presentation was  
18 presented as follows.)

19 MR. STORELLI: Good morning, Chair Paparian,  
20 members of the Committee.

21 --o0o--

22 MR. STORELLI: The item will present the results  
23 of a Board-funded study to assess California's compost and  
24 mulch producing infrastructure. California has developed  
25 a robust infrastructure to process organic materials into



1 usable product. However, unlike landfills and transfer  
2 stations, compost and mulch facilities are not required to  
3 report process or production data to the Board. This  
4 study was funded by the Board in 2002 to address this data  
5 gap.

6           Specifically, the study will update information  
7 from an earlier 2001 study and provide information about  
8 organic feedstock and markets and will provide aggregate  
9 data on the industry to better understand market dynamics  
10 and quantitative measurements of Board performance plans.

11           The study has been widely cited by the industry  
12 and used by jurisdictions in their efforts to divert  
13 organic materials. Matt Cotton was the principle  
14 investigator of Integrated Waste Management Consulting who  
15 conducted both the 2001 and 2003 studies.

16                               --o0o--

17           MR. STORELLI: Specific objectives of the study  
18 are: One, to provide the Board and California's organic  
19 industry with information and data on the number of  
20 compost and mulch producers, feedstock sources, diversion  
21 volume, products, and markets for organic materials. The  
22 study also documents green waste, ADC use, and solicits  
23 responses to then-current challenges facing the organics  
24 industry.

25                               --o0o--

1           MR. STORELLI: A comprehensive approach was  
2 developed that included the following key elements: A  
3 Project Steering Committee of industry representatives  
4 from various sectors and an independent contractor with  
5 strong ties to the compost and mulch producing community;  
6 a promotional campaign, advertising the survey and  
7 promoting its value to composters and processors; site  
8 visits to facilities where neighbors -- to those  
9 facilities reluctant to take part in the survey. And we  
10 also used Board ADC green waste data for the year 2002.

11           This survey also addressed a number of topical  
12 questions that were then-current challenges to the  
13 industry. These included questions on sudden oak death  
14 syndrome, South Coast Air Quality Management District's PR  
15 1133, and the persistent herbicide Clopyralid.

16                               --o0o--

17           MR. STORELLI: The organics industry faced a  
18 number of new challenges in 2003, including tougher  
19 emission regulations in Southern California, which is PR  
20 1133; the possible quarantine of organic materials in  
21 twelve north and central coast counties due to sudden oak  
22 death syndrome; and the prospect of persistent herbicide  
23 Clopyralid remaining in compost products.

24           Questions about how these challenges affected  
25 composters and processors were added to the survey to try

1 to understand the impact these obstacles might have on the  
2 industry.

3 --o0o--

4 MR. STORELLI: The number of facilities  
5 participating in 2003 was largely the same as in 2001. In  
6 2003, 101 composters and 69 processors participated for a  
7 total of 170 facilities. In 2001, 169 participated. In  
8 2003, 32 facilities refused to participate, which was made  
9 up of 16 composters and 16 processors, as compared to 11  
10 facilities in 2001. And in 2003, we included Board data  
11 on landfilled green waste ADC use from 58 landfills.

12 --o0o--

13 MR. STORELLI: Total feedstock processed  
14 represents the approximate amount of material diverted  
15 from the landfills statewide. In 2001, the California  
16 organics industry diverted over six million tons of  
17 material. In 2003, total diversion increased 62 percent  
18 to about 10 million tons. The 10 million tons includes an  
19 estimate for the 32 facilities that declined to  
20 participate in the most recent 2003 survey.

21 --o0o--

22 MR. STORELLI: Composters and processors receive  
23 a wide array of feedstocks across California.  
24 Seventy-nine percent of facilities surveyed processed  
25 green material, the main focus of this project; 54

1 percent, new waste; 23 percent manure; 22 percent  
2 agricultural byproducts. To a lesser extent, 10 percent  
3 processed food scraps; 9 percent, biosolids; and 7  
4 percent, other materials, which includes stable bedding,  
5 sawdust, shavings, and fish sludge.

6 --o0o--

7 MR. STORELLI: The major sources of feedstock are  
8 13 percent originated from municipal sources, 21 percent  
9 from self-haul, and 38 percent from commercial. Not  
10 surprising, in 2003 the largest portion of feedstocks came  
11 from the commercial segment.

12 --o0o--

13 MR. STORELLI: This slide shows the total volume  
14 of product by product type. The four products with the  
15 greatest volume are ADC with 8.5 million cubic yards;  
16 boiler fuel, which is used by the biomass to energy  
17 facility at 3.8 million cubic yards; compost with 3.0  
18 million cubic yards; and mulch, at 2.3 million cubic  
19 yards. Not surprising, composters produced most of the  
20 compost, while processors produced the bulk of the ADC,  
21 and landfill processors account for a significant portion  
22 of ADC production.

23 --o0o--

24 MR. STORELLI: Comparing 2003 product volumes  
25 with 2001, overall total statewide production is up 23

1 percent from 15 million cubic yards in 2001, to 18.4  
2 million cubic yards in 2003.

3           Of note is the reduction in compost production  
4 from 4.2 million cubic yards in 2001 to 3.0 million cubic  
5 yards in 2003. This represents a 28 percent reduction.  
6 The reasons for the decrease are thought to be, one, a  
7 number of compost facilities closed between study periods.  
8 Sixteen composters did not participate in the survey. ADC  
9 may impact some composter's abilities to obtain material.  
10 And the fourth one, the spring of 2003 was wet, a wet  
11 year, and some composters reported a bad year.

12           Mulch production increased 24 percent to 2.3  
13 million cubic yards. Boiler fuel increased 12 percent to  
14 3.9 million cubic yards. And green waste ADC production  
15 was up substantially to 8.5 million cubic yards.

16                               --o0o--

17           MR. STORELLI: This slide shows where the markets  
18 are for the products produced. The market is dominated by  
19 ADC at 47 percent; second by the biofuels market, which is  
20 a distant second at 20 percent; landscape, 11 percent;  
21 agriculture, 10; nursery uses, 2 percent; uses in the  
22 other categories, 6; beneficial use at landfills, 2.  
23 Caltrans represents 1 percent of the market, and municipal  
24 uses also is at 1 percent.

25                               --o0o--

1           MR. STORELLI: The organics industry faced a  
2 number of new challenges in 2003, including the prospect  
3 of the persistent herbicide Clopyralid remaining in  
4 compost products. This figure shows the responses to the  
5 question, how have concerns about persistent herbicides  
6 affected sales of your product? Sixty-seven percent of  
7 those composters responding to the question indicated that  
8 Clopyralid had no impact on sales. Twenty-eight percent  
9 did not know whether or not Clopyralid had an impact on  
10 sales. These results indicate that the majority of  
11 producers either did not notice an impact or could not  
12 trace slow sales directly to Clopyralid use. More recent  
13 sampling data indicates that the presence of Clopyralid is  
14 declining in California compost.

15                               --o0o--

16           MR. STORELLI: The South Coast Air Quality  
17 Management District developed PR 1133, which deals with  
18 controlling emissions from composting facilities. Part of  
19 the rule that addresses green waste composting is still  
20 under development, pending, in part, more research.

21           The survey asked whether or not producers thought  
22 PR 1133 would increase their production costs.  
23 Forty-three percent of facilities answered that PR 1133  
24 would increase production costs.

25           Of the facilities that responded that PR 1133

1 would increase their production costs, 33 percent of the  
2 composters and 17 percent of the processors responded that  
3 they would increase their gate fee. Thirty-three percent  
4 of both composters and processors responded they would  
5 close their facility. And 17 percent of the composters  
6 but no processors responded that they would increase the  
7 price of their end product. And, lastly, no facility  
8 responded that they would relocate operations outside of  
9 the South Coast Air Quality Management District's  
10 jurisdiction.

11 --o0o--

12 MR. STORELLI: The use of green waste as ADC has  
13 been controversial since first practiced in California in  
14 the late 1980s and early 1990s. Some composters believe  
15 that the price advantage offered by ADC has taken  
16 feedstock that otherwise would be available for  
17 composting, and that it represents a competitive  
18 disadvantage.

19 Other composters, to complicate the issue, use  
20 green waste ADC as a market for materials that are  
21 otherwise difficult to market, such as overs or for  
22 feedstock that is too contaminated to clean up  
23 economically.

24 This figure shows on a statewide basis how  
25 composters and processors responded to the question, do

1 you think the ability to use green waste as ADC has had an  
2 affect on your business? Fifty-seven percent of the  
3 composters and 44 percent of the processors felt that ADC  
4 had no impact, versus 43 percent of the composters and 56  
5 percent of the processors felt that ADC had had an impact.  
6 The aggregate results were almost evenly split, 51 percent  
7 with ADC without an impact, versus 49 percent felt they  
8 were impacted.

9 --o0o--

10 MR. STORELLI: On a regional basis, the results  
11 were much different than statewide. In the Bay Area  
12 region, 70 percent of the composters believed that the use  
13 of ADC has impacted their businesses. The situation is  
14 reversed in the central coast region with 70 percent of  
15 composters responding that ADC has not affected their  
16 businesses. In general, the Bay Area region uses more ADC  
17 than does the central coast region, which might explain  
18 the pressure felt by the Bay Area composters.

19 In the central valley, 60 percent of the  
20 composters felt that ADC has not affected their  
21 businesses, perhaps due to the relatively small amount of  
22 green waste used as ADC in that region.

23 In the southern region, which is by far the  
24 largest regional user of ADC, 58 percent of composters  
25 reported that ADC has affected their business. And no



1 facilities in the northern region reported that ADC  
2 affected their business. But landfills in the northern  
3 region do not use much ADC.

4 --o0o--

5 MR. STORELLI: Processors also showed a varied  
6 response by region. Processors in the Bay Area and  
7 central coast regions are somewhat evenly matched. Forty  
8 percent of processors in the Bay Area region reported an  
9 impact, and 50 percent of processors in the central coast  
10 region reported an impact.

11 No processors in the central valley region  
12 reported that ADC has impacted their businesses. This is  
13 also true of the northern region, but we didn't have any  
14 response from the processors in that region.

15 The southern region shows a different trend, with  
16 77 percent of the processors responding that ADC has  
17 affected their business. These results also show that the  
18 issue of ADC impact is a regional issue.

19 --o0o--

20 MR. STORELLI: Respondents were also asked how  
21 ADC has impacted their businesses and were given three  
22 choices. The first, ADC costs less than composting, and  
23 feedstock has been directed elsewhere, ranked number one  
24 among processors and composters. This makes sense, given  
25 that the current volume of green waste ADC being used is

1 over 2 million tons. The second response, we have lost  
2 our ability to get feedstock, which is somewhat similar to  
3 the first category, ranked second. And the third  
4 response, landfill tip fee is lower, ranked third.

5 --o0o--

6 MR. STORELLI: As we have seen with ADC,  
7 California's broad geography and significant regional  
8 differences make making meaningful generalizations about  
9 the compost and processing industry difficult.

10 The number of operating facilities has remained  
11 constant, though the amount of material being processed  
12 has increased. Agriculture is still the largest single  
13 market for compost. This represents a significant  
14 achievement, as many observers doubted conventional  
15 agriculture would accept urban compost.

16 Caltrans continues to be an untapped market for  
17 recovered organic products. Few facilities identified  
18 Caltrans as a significant market. Caltrans is 1 percent  
19 or less of the total market.

20 The use of green waste as ADC continues to  
21 increase, and may be having an affect on the viability of  
22 the compost market in some regions.

23 And, lastly, compost production decreased in 2003  
24 to 3.0 million cubic yards, down from the 4.2 million in  
25 2001.

1                               --o0o--

2               MR. STORELLI: The study recommended four areas  
3 for further study. ADC use at 8.4 million cubic yards  
4 represents 47 percent of the total statewide production.  
5 The study recommends that the Board study the effect that  
6 green waste ADC use is having on the compost industry.

7               Agriculture is the largest single market for  
8 compost. However, statewide compost production is down 28  
9 percent from 2001 to 02-03. This study recommended that  
10 more work needs to be done to understand which segments of  
11 the agricultural industry are buying compost and why  
12 certain crops use more compost than others.

13              Caltrans purchased about 1 percent of the compost  
14 and mulch produced in the state, and the study recommended  
15 that the Board continue to work with Caltrans to increase  
16 markets. The survey did not ask for financial or  
17 employment data. The study suggested that the Board  
18 include this information in subsequent surveys, and this  
19 would enable the Board to assess the contribution the  
20 organics industry is making to California's economy.

21                               --o0o--

22              MR. STORELLI: What does the study mean for the  
23 Waste Board? The study surfaced four main issues. The  
24 first issue is the dominance of ADC use. ADC was about 47  
25 percent of the total production in 2003. Green waste ADC

1 use increased 21 percent from 2001 to 2003, seen here as  
2 the green bars on the graph. The increase will likely  
3 continue in future years and may have adverse impacts on  
4 compost producers in some parts of the state.

5 --o0o--

6 MR. STORELLI: The second issue is that compost  
7 production decreased from 4.2 million cubic yards in 2001  
8 to 3.0 million cubic yards in 2003, which represents a 28  
9 percent reduction. Staff does not believe that this  
10 reduction is indicative of the current state of compost  
11 production, but that it should be monitored in future  
12 years.

13 When combining the results of this study with the  
14 recently released Waste Characterization Study, about 45  
15 percent of the organic materials collected in 2003 were  
16 diverted, up significantly from 33 percent in 2001.

17 --o0o--

18 MR. STORELLI: And the fourth issue, does green  
19 waste ADC impact compost markets? Over the last several  
20 years, some compost producers have claimed that by  
21 allowing local jurisdictions to gain AB 939 diversion  
22 credit for the collection and use of green waste material  
23 as ADC has negatively impacted their ability to obtain  
24 green waste at competitive prices.

25 In contrast, other producers have indicated that

1 ADC use contributes positively to their business by  
2 providing a market. However, both of these claims have  
3 not been backed by publicly-available verifiable data and  
4 analysis.

5 To address this issue, at its November 2001  
6 meeting, the Board directed staff to convey a work group  
7 to solicit input on methods and problems that may affect  
8 the Board's ability to assess the impacts of ADC use on  
9 the compost industry. In January of 2002, staff convened  
10 a public work group in Diamond Bar and in Sacramento.

11 At its February 2002 Board meeting, staff  
12 presented the results of the work group feedback. Staff  
13 concluded, based on input from industry participants and  
14 U.C. research economics, that an ADC analysis would not  
15 conclusively demonstrate nor refute whether ADC impacts  
16 compost markets.

17 In February 2002, the Board directed staff to  
18 prepare a contract concept to be included in the 2001-2002  
19 fiscal year contract concepts. The contract concept  
20 entitled, "Assessing the Impact of ADC Use on the Organics  
21 Recycling Industry," was not selected for funding.  
22 Because of the expense, complexity, and uncertainty  
23 connected with assessing the market impacts of ADC, the  
24 Board may want to focus resources to increase the market  
25 for organic materials. Specifically, efforts to get

1 Caltrans to buy more materials or research showing how  
2 compost can benefit California agriculture may be a better  
3 use for Board funds.

4 This concludes my presentation. And I'll  
5 entertain any questions. Thank you.

6 CHAIRPERSON PAPARIAN: We do have one speaker,  
7 but we have some questions. Board Member Marin.

8 COMMITTEE MEMBER MARIN: No. I'll listen to the  
9 speaker.

10 CHAIRPERSON PAPARIAN: We have two speakers.  
11 Matt Cotton I know put together this study. I don't have  
12 a speaker slip for you, Matt. I know you did great work  
13 on this. Did you want to add anything?

14 MR. COTTON: I guess the only thing I would  
15 say --

16 CHAIRPERSON PAPARIAN: Come to the microphone, if  
17 you would.

18 MR. COTTON: Little too casual this morning.

19 Thank you, Chair Paparian, for that nice compliment.  
20 I think Steve did an excellent job presenting it. The  
21 data is a little out of date. But I think Steve presented  
22 a fairly sober analysis of the study. There's a lot of  
23 good news there, too.

24 We have described -- developed infrastructure to  
25 process this material. A lot of the stuff you have to

1 look back to '99, 2000 and actually -- '89, I'm sorry, and  
2 say we're going to flood -- there's going to be no market  
3 for green waste. What are we going to do with this stuff?  
4 We're going to drown in this stuff. We can't sell it --  
5 really respected people around the industry were saying,  
6 no, we can never sell this urban compost to agriculture,  
7 and it's right now the number one market for compost.

8           There's a lot of good news this study came out  
9 with, as well as a lot more questions. And also there's  
10 more data we can gather, given the time. So with that,  
11 I'll be happy to answer any questions. Thank you for the  
12 opportunity.

13           CHAIRPERSON PAPARIAN: Any questions for Matt?

14           Scott Smithline, Californians Against Waste.

15           MR. SMITHLINE: I'm Scott Smithline with  
16 Californians Against Waste.

17           Good morning, Chair Paparian and Committee  
18 members. Thank you for the opportunity to comment on this  
19 very enlightening report. We think this is a very  
20 important issue. And this is I guess the second report of  
21 this type, and we think to the extent that it sheds light  
22 on what's happening in the compost market in this state,  
23 this is a very wise use of the Board's resources.

24           I think the key point that we take away from this  
25 report, however, is that the compost markets aren't

1 growing. They're shrinking in the state. And if you look  
2 briefly at the 2003 numbers, you can see only 16 percent  
3 of the 18 million cubic yards of product produced went to  
4 compost -- or was compost, I guess I should say.

5           The report suggests that one key reason for this  
6 may be the effect that ADC markets are having on the  
7 composting markets. And I'll read one brief quote from  
8 the report to illustrate that. It says, "The use of green  
9 waste as ADC continues to rise and undoubtedly is having  
10 an effect on the viability of the compost market." That's  
11 on page 8.

12           I made a really simple chart. I would just like  
13 to direct your attention to it briefly. You can see that  
14 the use of ADC is aggressively growing, while compost  
15 production is sharply down. In the two-year period, which  
16 is the latter half of the graph, compost production is  
17 down almost 29 percent. In that same period, ADC use  
18 increased from 1.1 million tons to 2.4 million tons.

19           If you're wondering where I came up with these  
20 numbers, the ADC numbers are directly from the Permitting  
21 and Enforcement Committee website, the ADC tables there.  
22 And the composting numbers are a conversion from the cubic  
23 yards that I generated with the help of your staff  
24 members.

25           So, in short, ADC has far surpassed compost as



1 the primary end use market for green waste in the State of  
2 California. We're looking at 16 percent composting  
3 products to 47 percent ADC products. This was never --  
4 this is inconsistent with this Board's policy on compost,  
5 and it was never the intent of the Legislature for this  
6 situation to occur.

7           The implementing legislation that originally gave  
8 diversion credit to ADC, AB 1647, specifically was  
9 designed as a temporary measure to deal with what was  
10 thought to be a temporary glut of green waste on the  
11 market.

12           I just will briefly read from the bill. The  
13 legislative intent states that "At the present time, the  
14 amount of green material generated in California is in  
15 excess of the quantity that existing markets can absorb.  
16 It is thus in the interest of the state to encourage the  
17 expansion of markets for green materials." So we think  
18 that this is not the situation that that bill was intended  
19 to create, where ADC is more than three times the end  
20 market use than composting is for green waste materials.

21           That same bill further gave legislative authority  
22 to this Board -- or regulatory authority to this Board to  
23 adopt ADC regulations. I would just like to briefly quote  
24 one section from that as well. In developing your ADC  
25 regulation, the Legislature mandated that you consider

1 "those conditions necessary to provide for the continued  
2 economic development, economic viability, and employment  
3 opportunities provided by the composting industry in the  
4 state."

5           So I think three things are coming clear to us  
6 from this report. The first is that compost production is  
7 not coming on line as intended, and that's a problem we're  
8 going to need to deal with. The second is that ADC is  
9 having a significant impact on the composting markets.  
10 And the third is that the ADC regulations adopted by this  
11 Board aren't achieving the Board's internal policy for  
12 composting or the legislative mandate that is upon this  
13 Board.

14           We think this is an excellent opportunity for the  
15 Board, given this new information and this study, to take  
16 new action on the issue of composting. We suggest that  
17 you direct your staff to, under existing legislative  
18 authority that you already have, to develop a focused work  
19 plan to identify incentives and policies that can reverse  
20 this trend of increasing ADC and decreasing compost  
21 markets.

22           And, specifically, maybe also review the  
23 suggested areas of study within this report with this in  
24 mind and report back to the Board as a follow up to this  
25 study with those possible incentives and policies and

1 suggested areas of study that can really start to focus in  
2 on what is the problem we're having here implementing --  
3 is it the ADC regs or is it market policies? What is the  
4 problem we're having where we end up with a graph that  
5 looks like this, essentially?

6           So I guess, finally, I would say we think this is  
7 a very high priority issue for the Board and that we urge  
8 this is something that could be handled internally and be  
9 given a priority in terms of staff resources. And with  
10 that, I thank you for the opportunity to comment on this  
11 issue and answer any questions that you may have.

12           CHAIRPERSON PAPARIAN: Yeah. Thank you.

13           And I'd like to get the staff response. I share  
14 the concern that we may be in a situation where ADC has  
15 gone from being an outlet for green waste that couldn't be  
16 composted or otherwise dealt with, to pushing out  
17 composting and perhaps other higher uses.

18           But I know Mr. Smithline has made some  
19 suggestions for follow up, taking a look at some  
20 incentives and taking a look at the report's  
21 recommendations and reporting back and suggesting ways we  
22 might address issues to improve the composting  
23 opportunities and address some of the issues raised in the  
24 report.

25           DEPUTY DIRECTOR WOHL: We've definitely had some

1 conversations in regards to this already.

2           As Steve mentioned, in fact, we originally  
3 thought the ADC, you know, analysis was a good use of  
4 money a couple years ago. But I think now we're feeling  
5 like -- I think we thought it was \$350,000, which is quite  
6 a chunk of money -- that maybe something that would  
7 actually stimulate markets, which typically CAW has been  
8 in support of rather than studying it, but figuring out a  
9 way to put some effort into stimulating these markets for  
10 ags. One being do some pilots where we can prove it  
11 actually improves the crops or the soils or things like  
12 that.

13           The other being we're hearing that there is sort  
14 of this Caltrans specification issue with compost. And  
15 that if we could work with them and try to get a concept  
16 on that, we could potentially encourage -- because a lot  
17 of local jurisdictions will go to that specification  
18 before they would use it. And so it's kind of like if we  
19 could crack that nut, we think that might maybe open some  
20 more markets for us.

21           So, I mean, we're not opposed to looking at this  
22 more. The thought is, are we going to get auditable data?  
23 Are they going to give us this data? And then once we  
24 have the data, can we conclusively say whether it's good  
25 or bad? Because some of these processors are actually

1 getting a value for this ADC. So we're kind of looking at  
2 it from the other end. How can we pull the market along  
3 and improve the market? So that's where we thought we'd  
4 like to come back with some concepts or ideas in that area  
5 that we think might be better use of funds.

6 CHAIRPERSON PAPARIAN: Board Member Marin and  
7 then Board Member Mulé.

8 COMMITTEE MEMBER MARIN: I have a question.  
9 Let's just -- for the sake of argument, if green waste is  
10 not used as ADC, then what takes its place? And what has  
11 traditionally happened? And would we prefer -- would that  
12 be more preferable? I want that answer.

13 DEPUTY DIRECTOR WOHL: You know, I'm not an  
14 expert on what normally would go on for alternative daily  
15 cover. Maybe Julie could even help me on that.

16 CHIEF DEPUTY DIRECTOR NAUMAN: Others can help  
17 me, too. But, traditionally, soil has been used as cover.  
18 So ADC is the alternative to the normal soil coverage and  
19 even --

20 CHAIRPERSON PAPARIAN: More recently I think  
21 tarping has matured, where you have basically reusable  
22 tarps. Cover it up, and then you save a lot of landfill  
23 space that way. I'm sure Mr. Edgar would be happy to  
24 comment on this when he comes up in a minute, too.

25 COMMITTEE MEMBER MARIN: Obviously, the question

1 then, it's a matter of cost, timing, and the alternatives.  
2 So, you know, we do have a limited amount of all of the  
3 things I just mentioned. And so if we are going to take  
4 away one, what will replace it? In fact, the question is,  
5 would that be more preferable?

6           So before -- you know, I usually like us to work  
7 on these issues with caution, because with the best  
8 intentions in the world, we may end up coming up with a  
9 response or solution that at the end of the day becomes  
10 less preferable. So I think that maybe that should be the  
11 focus of the study.

12           I understand composting. Don't take me wrong. I  
13 don't -- I'm not saying that we should not do things to  
14 increase composting availability and the feedstock and all  
15 of that. But if it's going to be one versus the other, I  
16 don't want, you know, that not to be -- to take away a  
17 more preferable solution.

18           CHAIRPERSON PAPARIAN: What I hear you saying is  
19 that if we move forward with exploring this further along  
20 the lines with what Mr. Smithline was suggesting, that we  
21 also include some analysis of daily cover and the options  
22 available for daily cover and what the impacts might be  
23 environmentally or cost wise on the -- or even landfill  
24 capacity wise on the options for --

25           COMMITTEE MEMBER MARIN: Yeah, Mr. Chair. What I

1 don't want is for a decision to be made in a vacuum, you  
2 know. And only because it sounds good or we want more  
3 composting, that, in fact, we take away the ADC. And then  
4 the option is less, really, preferable than what ADC  
5 provides right now.

6 DEPUTY DIRECTOR WOHL: I think with our proposal,  
7 you know, there's still a huge amount of organics just  
8 going into the landfill, not being ADC and not going to  
9 compost. Even if we stimulate markets, our feeling is  
10 we're not saying that ADC is out. We're just saying let's  
11 take more of the valuable resource in the organic material  
12 and put it back into the soil. So it's really not one or  
13 the other, I don't think.

14 CHAIRPERSON PAPARIAN: Board Member Mulé, and  
15 then we have two other speakers.

16 COMMITTEE MEMBER MULÉ: I just want to make a  
17 comment real quickly. First of all, the Waste  
18 Characterization Study that recently came out shows, what,  
19 30 percent of our material going into the landfill  
20 continues to be organic material. So I think given that,  
21 there's still a huge opportunity, as I see it, for us to  
22 take some of that material and do something positive with  
23 it.

24 The other issue -- I just want to make everyone  
25 aware, in case you're not, this ADC use is not limited to

1 California. This is an issue around the country. And  
2 other states that I've worked in, they had the same  
3 problem with finding adequate markets for compost. And so  
4 the alternative was to use it as ADC, in part because of  
5 the cost issue.

6 But more importantly, and I've discussed this  
7 with staff, is that really we have no standards for  
8 compost. And so when people want to use that product,  
9 whether it's agricultural use or if Caltrans wants to use  
10 it or local jurisdictions want to use it, it's very  
11 difficult for them to make that decision because the  
12 standards for the compost are not consistent. And that's  
13 one of the things that I've asked staff to look at is to  
14 work with the Association of Compost Producers, which I  
15 understand they are, and continue to work with them in  
16 developing standards for compost so people know what  
17 they're buying when they buy a product.

18 I mean, I don't know about any of you, but I  
19 would be reluctant to purchase a product if I didn't know  
20 what that product was made from. I think that's an  
21 important issue that we don't want to overlook. And I, as  
22 a recommendation to Scott, I think that's where we need to  
23 focus our resources, is to work on producing standards so  
24 we can produce a quality product so we create the market  
25 demand for that product.



1           So with that, I'll let Evan come up. Thank you.

2           CHAIRPERSON PAPARIAN: All right. We have Evan  
3 Edgar, followed by Mike Mohajer.

4           MR. EDGAR: Good morning, Chair and Members. My  
5 name is Evan Edgar. I'm the engineer for the California  
6 Refuse Removal Council. I've been involved with ADC for  
7 the last 15 years and composting for the same amount of  
8 time. And today is a very important topic.

9           The waste industry has been using ADC as an  
10 outlet for a lot of years, and it has always been a  
11 competition for composting. The compost industry -- I  
12 represent ten permitted compost facilities in California.  
13 And from 2002 to 2004 we survived the organic Titanic. We  
14 didn't have to worry about ADC, because we had to worry  
15 about sudden oak death, PR 1133, CCA wood waste and  
16 Clopyralid. We had to sponsor a bill -- the compost  
17 industry sponsored a bill to make sure people follow their  
18 label on Clopyralid. So we have been busy.

19          Now that we're really focused back on ADC,  
20 there's an overarching issue that's coming to California,  
21 and that's competition for feedstock. You heard it in the  
22 context of the conversion technology regulations. You  
23 heard it in context of bioreactor landfills. You heard in  
24 context of what's going in the landfills today with  
25 regards to the Waste Characterization Study that came out.

1 And today you have a statute of record that has not been  
2 fulfilled since 1996 and is one of your key  
3 recommendations with regards to assessing the impacts to  
4 ADC use on the compost industry. That's a 1996 statute  
5 that hasn't been assessed. Today we heard about it in  
6 antidotal questionnaire manner, but I think it's a huge  
7 impact to the compost industry.

8 And ADC is not an outlet. I think ADC went from  
9 outlet to Wal-Mart, with regards to the amount of use  
10 that's being done and the pricing of it. It's kind of sad  
11 with regards to the trend analysis that Scott pointed out  
12 where ADC is up that much and compost is down.

13 The four recommendations that the staff has are  
14 good recommendations. Very valuable recommendations.  
15 Number one was to do that study on impacts to the compost  
16 industry. Number two, with regards to the other  
17 agriculture industry, there's been good studies in the  
18 past. We can continue on those, from watershed to disease  
19 suppression, to water conservation, erosion control.  
20 There's some good studies and resources have been there,  
21 and people do have standards and spec out there. I've  
22 been the Chairman of the California Compost Quality  
23 Council since 1995.

24 I've been working with United States Composting  
25 Council on a nationwide spec. And Caltrans have not been

1 forthcoming. So shame on Caltrans with only 1 percent of  
2 the market, when ADC is 47 percent. I believe that  
3 Caltrans putting out a green book spec working with local  
4 government to buy locally -- Arnold Schwarzenegger says  
5 buy California, buy locally. We have the stuff. I  
6 believe that the green book spec from Caltrans can trickle  
7 down to County Public Works and City in order to have that  
8 spec locally. We have the science. We have the  
9 technology. We just have to get the spec in writing in  
10 the green book so we can have those markets locally and it  
11 is a market demand.

12           So I'm kind of disappointed with the trend  
13 analysis. I think it's a benchmark study. I'm glad to  
14 hear more resources should be put back into the compost  
15 industry, because it is a core business, a valued  
16 business, a valued market, the biggest bang for the buck  
17 right after C&D as a priority waste stream that needs to  
18 be diverted. I'm glad we're here today. I hope the whole  
19 Board hears us next week. And I wish the recommendation  
20 set forth and idea the Scott Smithline has from  
21 Californians Against Waste are valid recommendations.

22           And it's so easy to supplant ADC. There's ten  
23 other types of alternative daily covers. I was using  
24 tarps years ago. Tarps take up zero capacity in the  
25 landfill. And if you look some ADC with regards to green

1 waste, at one time some audits were done, they were taking  
2 up two to three feet of capacity each and every day with  
3 regards to ADC use in the past. But that has been  
4 curtailed somewhat with regards to the specifications for  
5 ADC. We have foams. We have soil. So I don't believe  
6 the landfill industry is going to hurt for lack of ADC  
7 types. I think the compost industry will hurt for lack of  
8 compost feedstock. Thank you.

9 CHAIRPERSON PAPARIAN: Thank you.

10 Mike Mohajer.

11 MR. MOHAJER: Good morning, Mr. Chair, Madam  
12 Secretary, Board Member Mulé.

13 I wasn't going to speak on this particular issue  
14 at all. As a matter of fact, we didn't know it was on the  
15 agenda. I came up here for the issue of conversion. But  
16 as the staff was presenting the report and I was  
17 listening, I heard a few things that sort of bothered me  
18 from the standpoint that, as all of you know, I've worked  
19 with local government for umpteen thousand years. And  
20 even though right now I'm speaking on my own behalf, that  
21 I found the report to be -- what was presented to be very  
22 biased towards composting versus ADC.

23 For example, one of the questions I heard  
24 something to this effect, they were asking the composter,  
25 do you think ADC has negatively impacted your process?

1 What do you think they're going answer? So they have  
2 coached to what they wanted to hear, at least this is what  
3 I heard. Most of the questions, that's how they have been  
4 addressed.

5           So in reference to economic, everything now that  
6 was presented, the impact on the composting industries.  
7 You have about 30 million people living in California in  
8 the cities and the counties, and you've got to look at the  
9 economic impact on those jurisdictions that they use and  
10 in accordance with the state law, which your Board is  
11 mandated to enforce, and you do, AB 939 and AB 1647. They  
12 used credit for that ADC.

13           So whatever study the Board recommends to be  
14 pursued, then you do want to have all the stakeholders in  
15 there. And those would be the local governments as well.  
16 Not to -- as Board Member Marin indicated, don't operate  
17 in a vacuum, because the local government is also a part  
18 of the equation.

19           And, also, the report that just came out and the  
20 Waste Characterization last December, they have changed  
21 the form a little bit as to how they identify the organic.  
22 So even though organic, if you look at a conversion  
23 technology at 80 percent, it says 80 percent of the  
24 materials that currently goes to the landfill, roughly  
25 about 32 million tons is organic.

1           The Waste Characterization that was conducted,  
2 they break it into to different categories. They call it  
3 organic, 30 percent; paper, 21 percent; plastic, 9 1/2  
4 percent; lumber as a part of the C&D, another 9 percent.  
5 So when you put it together, this is another word that  
6 it's -- again, I'm not trying to be negative. But this is  
7 how they present the data. And I know your Board is very  
8 much staff-driven, or for those lobbyists that are in  
9 Sacramento. I don't work for the county anymore, so I  
10 don't care. So you have to be responsive to the needs of  
11 the people in this state of ours also, rather than  
12 operating based on what you hear over here or from the  
13 lobbyists in Sacramento. Thank you.

14           CHAIRPERSON PAPARIAN: Thank you, Mr. Mohajer.

15           In terms of where we go from here, I mean, I  
16 think there's agreement that there are important issues  
17 raised here that we ought to look further into them,  
18 develop the recommendations, pursue the recommendations,  
19 keep in mind Chair Marin's desire to look at ADC and what  
20 some of the impacts on the alternatives would be of  
21 pulling some of the green waste out of the ADC stream and  
22 making sure that there are alternatives available for ADC.  
23 And go in that direction.

24           I'm wondering if this lends itself both to follow  
25 up by staff itself on the recommendations and what Mr.

1 Smithline suggested, as well as perhaps a workshop and  
2 then follow up with this Committee, or perhaps just a  
3 workshop within this Committee at some point in the  
4 future. Or maybe I'll just work with staff and figure out  
5 which way to go, unless there's any preference.

6 COMMITTEE MEMBER MULÉ: I just want to make sure  
7 that we include the recommendation that I made earlier to  
8 develop standards -- compost standards

9 CHAIRPERSON PAPARIAN: Yes.

10 COMMITTEE MEMBER MULÉ: I think that's a critical  
11 piece of this whole plan that we're trying to put together  
12 for compost. So I just want to make sure that's included  
13 in there. Thank you.

14 CHAIRPERSON PAPARIAN: Thank you.

15 COMMITTEE MEMBER MARIN: I have two questions.

16 One of them, of the people that chose not to  
17 participate -- because this was a request to all of the  
18 businesses; right? And some of them just couldn't or  
19 chose not to participate. The 16 composters and the 16  
20 processors that chose not to, the range of how big -- were  
21 they big or mainly small composters and processors? Or  
22 within the 16, some of them were really big and some of  
23 them were very small? And there's a follow up for that,  
24 so if you know that --

25 MR. STORELLI: I think I would like to defer.

1 The way we structured the study is the information was  
2 blinded so that staff -- Board staff didn't receive any of  
3 that primary data. And that allowed us to get more people  
4 interested to respond to the initial survey. So Matt has,  
5 you know, a better idea. Whether he can divulge that in  
6 terms of this masking --

7 MR. COTTON: Matt Cotton, Integrated Waste  
8 Management Consulting. No, I can't divulge it. It's a  
9 range, both small and large.

10 COMMITTEE MEMBER MARIN: Because I know one of  
11 the items includes the total feedstock includes -- these  
12 32 businesses are included in that; right?

13 MR. STORELLI: That's correct.

14 COMMITTEE MEMBER MARIN: But the responses that  
15 we are going to be making our decisions on in other than  
16 feedstock do not include the 32. So that's why I needed  
17 to know are we talking about large -- because that may  
18 be -- you know, the composting may be a little bit higher  
19 when you look at it totally than what is being presented  
20 here. You see what I'm saying?

21 MR. COTTON: I understand what you're saying, and  
22 I wouldn't disagree with it. I think Steve would agree  
23 with it. I think we get the data we get back from the  
24 people that choose to participate. We wish everyone  
25 participated. In fact, if you go back far enough, the



1 reason the Board decided to do this was because voluntary  
2 Board-driven efforts years ago did not get very good  
3 responses. I think they were more in the 10, 15, 20  
4 percent responses that the Board themselves did. It was  
5 decided to hire an independent contractor with maybe a  
6 different arm's length, get a higher response, but you're  
7 not going to get 100 percent. In fact, the response we  
8 got was phenomenal. We got a lot. And most of them had  
9 to tell me no. I contacted every single one of those.

10           They are large and small. I don't think that  
11 there was some giant composters out there that was 28  
12 percent that wasn't participating. I don't think that  
13 explains it. But there are some apples to oranges  
14 comparisons in the studies we used. Certain landfill ADC  
15 data in 2004 we didn't use in 2001. You want to look at  
16 the data very carefully before you make too many  
17 assumptions about it.

18           COMMITTEE MEMBER MARIN: Right.

19           The reason why I bring that up is because we in  
20 fact, the numbers -- I would be very surprised if it was  
21 the opposite. But I would think that the composter would  
22 be higher if everybody chose to participate as a  
23 percentage. I would hope maybe -- since we don't have the  
24 data, it's going to be a guessing game.

25           And then I always forget, is ADC -- and this is

1 not for you. Is ADC -- do the local governments get  
2 credit for using ADC?

3 COMMITTEE MEMBER MULÉ: Diversion.

4 CHAIRPERSON PAPARIAN: Some might assert we're  
5 ADCing our way to 50 percent. But I won't say that. But  
6 there is a diversion credit allowed. I believe it's up to  
7 10 percent for the use of ADC.

8 COMMITTEE MEMBER MARIN: Okay. Yesterday, a  
9 number of cities kept saying -- and I think that maybe it  
10 was with conversion technologies where they wouldn't get  
11 credits for certain things. And I'm wondering, you  
12 know -- I believe I knew this, because this was some  
13 legislation that was passed, right, if I recall correct.  
14 Okay. I'm fine with that.

15 Mr. Chair, I believe I want to thank whoever put  
16 this up. It was very revealing. I'm very, very happy --  
17 for somebody that doesn't like to spend a lot of money on  
18 studies, I think this was very well spent and gives us  
19 very good information. I think it shows us the path to  
20 take to further the efforts. I'd just like to caution us  
21 not to jump to conclusions right away and that we do have  
22 a number of jurisdictions that will be looking at this,  
23 because the decision we make impacts them as well. So,  
24 Mr. Chair, I think that what you have said is the way we  
25 want to go.

1           CHAIRPERSON PAPARIAN: Okay. So, again, I'll  
2 work with the staff on whether this might be ripe for a  
3 stand-alone workshop or something within a Committee  
4 meeting in the next few months.

5           But I think there is a desire amongst all of us  
6 not to put this on the shelf and forget about it. We want  
7 to pursue it and keep in mind the recommendations and some  
8 of the things that have been brought out today.

9           And I'll add my caution that I know one of the  
10 recommendations would involve an additional study, which I  
11 believe would be useful, but we may not have the money.  
12 We don't know. So I think we have to recognize that we  
13 may need to work around that in the event that that's not  
14 possible to fund. If it's possible to fund, great. But  
15 it may not be.

16           COMMITTEE MEMBER MARIN: If I just may,  
17 Mr. Chairman, to Mr. Mohajer, I feel sometimes -- I just  
18 take two seconds to do this. Because I feel like -- there  
19 was this story this judge that is there listening to the  
20 plaintiff. And the plaintiff comes in and makes his  
21 argument and the judge says, "You're right." And then the  
22 defense comes up and makes his argument, and the judge  
23 says, "You're right." And so the court reporter was there  
24 and says, "Excuse me, Judge. But that cannot be. You  
25 know, you can't have both of them be right." And then the

1 judge turns to the court reporter and says, "You know,  
2 you're right."

3 So I feel right now with everybody making their  
4 presentations, I feel like all of you are right, including  
5 Mr. Mohajer. I think he brings up a very good point. And  
6 so everybody is right. And even you are right, Mr. Chair.

7 CHAIRPERSON PAPARIAN: I'll remember that. I may  
8 have to quote you on that in the future. Thank you.

9 I think we're ready for the next item.

10 DEPUTY DIRECTOR WOHL: The next item is Agenda  
11 Item 11, Committee Item D, Discussion of the Draft  
12 Conversion Technology Report to the Legislator. And  
13 Fernando Berton will present.

14 (Thereupon an overhead presentation was  
15 presented as follows.)

16 SUPERVISOR BERTON: Good morning, Committee  
17 members.

18 This is the first of what probably will be  
19 several agenda items in the coming months. So grand slam  
20 this time. As you may recall, Assembly Bill 2770 required  
21 the Board to research and evaluate new and emerging  
22 non-combustion, thermal, chemical, and biological  
23 technologies and submit a report to the Legislature.

24 --o0o--

25 SUPERVISOR BERTON: To accomplish this task, we

1 broke up the research into two components. The first  
2 component was a technical evaluation that was conducted by  
3 U.C. Riverside and U.C. Davis. The purpose was to define  
4 and describe each convention technology, evaluate the  
5 technical performance characteristics, feedstocks, et  
6 cetera, and identify the cleanest and least polluting  
7 technology.

8 --o0o--

9 SUPERVISOR BERTON: The second part of the  
10 research was the Life Cycle and Market Impact Study that  
11 was conducted by Research Triangle Institute, RTI, and  
12 their team of subcontractors, which included the National  
13 Renewal Energy Laboratory and Hilton Farnkopf & Hobson.  
14 Of course, the purpose of the Life Cycle and Market Impact  
15 Study was to look at and evaluate the life cycle,  
16 environmental, and public health impacts of each  
17 technology and compare them to existing solid waste  
18 management practices, and also to look at the impacts that  
19 these technologies would have on the recycling and  
20 composting markets.

21 --o0o--

22 SUPERVISOR BERTON: What we've done is we've  
23 taken both of these contractors' reports and the studies,  
24 the findings, and some of their recommendations to prepare  
25 this first draft of the conversion technology report to

1 the Legislature, which is obviously the topic of this  
2 discussion item. At a minimum, the report includes  
3 definitions of conversion technologies, the description of  
4 those life cycle and public health impacts, to the extent  
5 that that was possible, the description of the technical  
6 performance. We attempted to identify the cleanest and  
7 least polluting technology, and also describe the market  
8 impacts that recycling and composting has from these  
9 technologies.

10 --o0o--

11 SUPERVISOR BERTON: Staff held a workshop on  
12 October 1st of 2004 to seek impact as to the content of  
13 the legislative report. And these were some of the major  
14 themes that emerged from that workshop that we tried to  
15 capture in the report. And I'm sure you'll be hearing  
16 some comments to that same effect today.

17 Some of the major themes included a discussion on  
18 diversion credit, additional studies to address data gaps,  
19 because we do acknowledge that there are data gaps, and we  
20 need to address those by trying to gather more data. And  
21 we had also received comments that were beyond the scope  
22 of the two initial studies, but we feel that are important  
23 to address for the Legislature and for the Board's  
24 consideration.

25 --o0o--

1           SUPERVISOR BERTON:  What I've attempted to do  
2 here is summarize the contract or recommendations from  
3 those two studies.  And, you know, while all of the  
4 contractor recommendations are important, some of the most  
5 critical that we feel need addressing are including  
6 revising the definition of gasification, the existing  
7 definition, and other terms that are terms of art that are  
8 used, such as transformation and hydrolysis and  
9 distillation, some of which are not defined currently;  
10 collecting additional data.  We also think that analyzing  
11 the impact that recycling exports to China has on these  
12 existing recycling markets is very important.

13           Very briefly, I want to touch on some of the key  
14 findings from the life cycle and market impact.  As you  
15 can see from the slide, the listing of some of those key  
16 findings, some of the more important ones, include the  
17 fact that conversion technologies result in large energy  
18 savings.  That's mostly because these technologies produce  
19 energy, as opposed to take energy.  And also very  
20 important is that these conversion technologies could  
21 decrease the amount actually being landfilled, which is  
22 really the goal of AB 939, and could lend itself towards a  
23 zero waste initiative.

24   --o0o--

25           SUPERVISOR BERTON:  As far as the Market Impact

1 Study, based on all the studies and the information,  
2 there's a net positive impact on recycling in terms of  
3 glass, metal, and plastics. This is because of the  
4 pre-processing that's required for these technologies.  
5 And we've tried to include that information in the report.

6 Also, again, the impact China has on recycling  
7 markets has been very important, if I could point that  
8 out. There's been -- most of our plastics and paper are  
9 being exported to China right now. So what happens if  
10 China stops taking those commodities?

11 And also source-separated recyclables are not  
12 likely to flow to conversion technologies because of  
13 price. Those recyclables have a price to them.  
14 Conversion technologies, we charge a tipping fee. So  
15 those kind of tariffs would probably not likely flow to  
16 conversion technologies.

17 --o0o--

18 SUPERVISOR BERTON: Staff and contractors also  
19 held a workshop on April 15th, 2004, to discuss the  
20 preliminary findings of the report. And we received  
21 feedback from stakeholders that in order to truly assess  
22 the market impact that conversion technologies have, we  
23 should analyze the impact of diversion credit. In a  
24 nutshell, there would be no negative impact on existing  
25 recycling and compost markets if existing diversion



1 programs continued to be maintained. However, if  
2 diversion programs were discontinued, I think obviously  
3 there would be a negative impact on recycling and compost  
4 markets.

5 --o0o--

6 SUPERVISOR BERTON: Quickly, some of the  
7 conclusions in the report. We feel that definitions must  
8 be revised both for scientific accuracy and for  
9 clarification. Just as an example in terms of  
10 clarification, I'd like to point out anaerobic digestion.  
11 Anaerobic digestion can be considered either a biological  
12 conversion technology or a composting technology. The  
13 term "biological conversion" is within the term of  
14 transformation. So there's a lot of ambiguity there as to  
15 what is anaerobic digestion. So I think we need to be  
16 careful in how we define these things and not have any  
17 unintended consequences. And some of the comments I've  
18 received pointed that out. And the next iteration of the  
19 report will try to deal with some of that ambiguity.

20 Also, again, data gaps exist. We're not really  
21 able to do any source testing in California because there  
22 are no conversion technology facilities. So one  
23 possibility is to visit existing facilities in either  
24 Japan or in Europe. As far as thermal chemical  
25 facilities, there's quite a number of facilities in Japan,

1 over 50. And we have some existing funding under the  
2 University of California study, the contract, that could  
3 be used for that. And also we believe it's very important  
4 to develop a research agenda with not only the Air  
5 Resources Board, but with the other CalEPA BDOs and the  
6 U.C. system as well.

7 --o0o--

8 SUPERVISOR BERTON: Some of the other conclusions  
9 that we believe are very important is that there's no one  
10 single technology that is suitable for all feedstocks.  
11 Likewise, there's no single waste management practice that  
12 can handle the full array of material. Rather, we believe  
13 that the combination of technologies and practices can  
14 form a part of this integrated waste management system.  
15 So there's no one panacea, and we can't put all our eggs  
16 in one basket. And possibly this might require us to look  
17 at the existing waste hierarchy and revise it accordingly.

18 --o0o--

19 SUPERVISOR BERTON: So our recommendations in the  
20 report would be to revise some definitions, including  
21 gasification; have a definition for combustion that could  
22 perhaps replace the definition for transformation. We  
23 would have to look and canvass the statutes to make sure  
24 there are, again, no unintended consequences with some of  
25 those changes. Also to define thermochemical conversion

1 and biochemical conversion. One of the criticisms of the  
2 term "conversion technology" was that it was too broad.  
3 This is an attempt to parse that out. Delete the  
4 transformation definition. Collect additional data, as I  
5 mentioned before. And I really can't emphasize enough,  
6 working with Air Resources Board and the Water Board,  
7 OEHHA, so any data that we like to gather, we have it with  
8 their needs in mind as well as our own.

9 --o0o--

10 SUPERVISOR BERTON: Then, again, conducting  
11 research on the China impact of recyclables. I think it's  
12 also important to not only look at the market impact, but  
13 look at the recycling technologies in China, in terms of  
14 their environmental performance. No idea how clean and  
15 safe the recycling technologies are in China, so it might  
16 be something we would want to include.

17 Given that a large number of plastics are flowing  
18 to China, we think it would be important to work with the  
19 Department of Conservation as well on this study. And in  
20 terms of diversion credit, looking at diversion credit for  
21 biochemical technologies should be considered.

22 --o0o--

23 SUPERVISOR BERTON: Other issues you may want to  
24 consider, and I'm sure that we've gotten some written  
25 comments, and I'm sure we'll hear some verbal comments, is

1 the issue of disposal versus manufacturing; beneficial  
2 use; revising the hierarchy, as I mentioned before; and  
3 diversion credit. One thing that I failed to leave off of  
4 this list, but I think is just as important, is  
5 environmental justice issues that people have brought up.

6           So we're fully aware that the report will be  
7 revised -- be revised based on stakeholder input and on  
8 input from the Board members. I've begun revising some of  
9 the contents of the report already. Come back in February  
10 or March with the next iteration for discussion.

11           If we do try to gather additional data from  
12 Japan, we've made attempts already to try to get that  
13 data, the telephone and e-mail and stuff. But we've had  
14 limited success in that. That could delay things a bit if  
15 we actually send researchers to those areas to visit the  
16 facilities. I think visiting facilities would have a much  
17 greater impact than just looking at numbers and stuff.

18           So this really concludes my presentation. And if  
19 you have any questions, comments, we would seek your  
20 direction and be willing to do anything.

21           CHAIRPERSON PAPARIAN: We have a number of people  
22 who want to speak. But let me just try to clarify  
23 process-wise, because I think we want to understand that.  
24 You've received some written comments so far. We've  
25 received comments, actually, up to this morning. Do you

1 have a deadline for accepting additional written comments?

2           SUPERVISOR BERTON: I don't have a hard, fast  
3 deadline. I could set a hard, fast deadline if you  
4 decide.

5           CHAIRPERSON PAPARIAN: It probably would be good.  
6 I think it would be good just to be clear when people  
7 should have comments, if they want those comments  
8 considered in the drafting of the report.

9           And then after this hearing today, it's not going  
10 to the full Board this month. But it will come back again  
11 in either February or March, a revised version of the  
12 report, to be considered by this Committee, and then to  
13 the full Board if the full Board desires to hear it.  
14 Probably would go to the full Board, too, but --

15           SUPERVISOR BERTON: Couple of things. If we come  
16 in March, there's one -- we do have one scheduling  
17 conflict. That's the Buy Recycled Conference. That's the  
18 same day of the Committee meeting. So one possibility is  
19 to bring it to the full Board in March, only because of  
20 that scheduling conflict. Or I don't know if we want to  
21 have a special workshop for something like that. That's  
22 if we come back in March.

23           I would like to give stakeholders adequate time  
24 for submitting their written comments. Nothing like a  
25 week or two weeks, but maybe three or four weeks.

1           CHAIRPERSON PAPARIAN: I mean, it sounds like if  
2 you're talking three or four weeks, it sounds like you  
3 probably are not thinking of the February meeting then  
4 realistically for this coming back. So you're probably  
5 talking about March at the earliest.

6           COMMITTEE MEMBER MARIN: Is there a deadline for  
7 submission to the Legislature?

8           SUPERVISOR BERTON: It's already late.

9           DEPUTY DIRECTOR WOHL: Actually, the legislation  
10 kind of had a flaw in it with the date. The date was a  
11 year off last March. So they kind of understand that date  
12 was unrealistic, because we didn't really get started  
13 until then.

14           But I think what we're hoping -- because a lot of  
15 these comments I think we're going to hear we've heard.  
16 This is sort of the direction we're going. We really want  
17 feedback from you on what do you want to change and what  
18 do you want to include and what from these comments are  
19 you interested in incorporating. So --

20           CHAIRPERSON PAPARIAN: We may want to hear from  
21 some of the witnesses first. But anything else --

22           COMMITTEE MEMBER MULÉ: No. I just agree about  
23 what you were saying. I think we need to set a deadline  
24 to respond to these letters. We received several letters  
25 over the last several days on this issue. And I

1 personally feel this is a very, very important issue for  
2 us to consider. And I do hope that the report does go to  
3 the full Board for consideration.

4 But I think it's important, number one, that we  
5 let those folks that have sent us letters, let them first  
6 of all respond to their letters and to the specific issues  
7 that they raise so that they get an answer to each and  
8 every issue that they raise, number one.

9 Number two, set a deadline, whether it's two  
10 weeks or four weeks and do what Chairman Paparian is  
11 suggesting. Let's try to set a schedule and try to keep  
12 to it as quickly as we can, because we do know this report  
13 is overdue to the Legislature. But by the same token, we  
14 want to move this process along. Thank you.

15 COMMITTEE MEMBER MARIN: Mr. Chairman, the only  
16 thing I want to add, and the reason why I knew the  
17 deadline had passed -- and I don't know if anybody had  
18 given us a new deadline. Because it is my understanding  
19 that a number of legislators would want to do something  
20 with this report, like introduce legislation to deal with  
21 certain issues that are here. And the longer that we  
22 delay the sending of this report which would be the basis  
23 for legislation, we're actually -- it's working against  
24 our own desires. So, you know, I want to move this up. I  
25 want to have it come to the Board as soon as possible,

1 certainly allowing everybody to make their comments and  
2 have this report reflect those comments. But I much  
3 rather do it sooner than later.

4 BRANCH MANAGER FRIEDMAN: Chair Paparian, Judy  
5 Friedman with Waste Prevention and Market Development  
6 Division.

7 We were just discussing a number of things. One  
8 is targeting April for adoption of the report. So no  
9 later than April. That way it gives us plenty of time for  
10 that deliberation internally. And the other thing is  
11 setting a deadline of February 15th for comments.

12 And then the third thing is in response to Board  
13 Member Mulé's request for response to each and every  
14 comment. Typically, what we do is provide that in the  
15 report or in the agenda item to the Committee or the Board  
16 about the report, as opposed to sending letters to each  
17 individual commentor, because that takes time away from  
18 actually revising the report itself. So I just want to  
19 clarify that.

20 COMMITTEE MEMBER MULÉ: My concern with that is  
21 that I just want to make sure that everyone who has  
22 written letters and has taken the time to make comments,  
23 that their comments are responded to. So you may want to  
24 reference different letters, you know, and just say based  
25 on letters received from these parties on this date, you



1 know, raising this concern, and address it. Because I  
2 just want to be sure that everybody clearly understands  
3 that they've been heard and that their comments were taken  
4 into consideration.

5 BRANCH MANAGER FRIEDMAN: Agreed. We can do that  
6 and do it in a number of ways and specifically reference  
7 their comment, the date it was received, and our response  
8 to it.

9 COMMITTEE MEMBER MULÉ: Thank you.

10 COMMITTEE MEMBER MARIN: But, Mr. Chair, for  
11 legislative purposes, is April the best that we can do? I  
12 know legislators would want, you know, the placeholders  
13 and so forth. But to allow the Legislature to really work  
14 with what we have --

15 CHIEF DEPUTY DIRECTOR NAUMAN: I think that's  
16 probably a little late for bill introduction.

17 COMMITTEE MEMBER MARIN: I know they will  
18 probably do a spot bill or something. But it would be in  
19 our best interest to give them something, in fact, that  
20 they can work with.

21 CHAIRPERSON PAPARIAN: I think that from my  
22 experience, unless they violate years and years of  
23 tradition, they won't really get going on their policy  
24 discussions until April or May. And it would be the  
25 summertime by the time they really get into it. So an

1 April time frame is not inconsistent with the legislative  
2 process. Are you suggesting an earlier time?

3 COMMITTEE MEMBER MARIN: Well, by the time we  
4 adopt it, we adopt it at the middle of April, it won't be  
5 given to them until probably -- I mean, they won't even  
6 look at it -- by that time is May revise and so forth.  
7 Unless some of the legislators, we give them some of the  
8 draft report, knowing that full well there will be some  
9 revisions.

10 CHAIRPERSON PAPARIAN: If someone is interested  
11 in pursuing legislation, I'm sure they will -- the draft  
12 report is public information.

13 Let me ask one other thing about the process and  
14 the legislation. The legislation asked for this report,  
15 the report to the Legislature, to be peer reviewed. What  
16 we had peer reviewed was the methodology, but none of the  
17 reports back from the scientists or back from the other  
18 people. Are we planning to get this peer reviewed somehow  
19 using the process that CalEPA has or --

20 SUPERVISOR BERTON: Actually, Mr. Paparian, the  
21 reports themselves -- the contractor reports were, in  
22 fact, peer reviewed. The Life Cycle and Market Impact  
23 Report was peer reviewed by the University of California  
24 system. And the report from U.C. Riverside was peer  
25 reviewed by a task force that we had had convened early on

1 in the process that included out of state university  
2 officials, national laboratory kind of folks and stuff.

3           There was some difficulty with having a  
4 university report peer reviewed under the University of  
5 California system, because there was the perception of  
6 some conflict of interest there. So we had to kind of use  
7 a different method for that. But the reports themselves  
8 have been peer reviewed. So what the report to the  
9 Legislature is including is peer-reviewed information.

10           CHAIRPERSON PAPARIAN: Okay. The legislation  
11 itself called for the legislative report to be peer  
12 reviewed, which is the awkward thing in the  
13 recommendation. I know we've added some data to it since  
14 the reports from the consultants, too.

15           SUPERVISOR BERTON: And, again, you know, we can  
16 have the report self peer reviewed to meet the exact  
17 intent and letter of the legislation. It would just slow  
18 the process down a little bit.

19           Typically, what we've been asking the reviewers  
20 is we've been giving them two weeks. The difficulty isn't  
21 so much in having them reviewed. It's finding the peer  
22 reviewer itself. We've been working with a third party.  
23 We're not even the one selecting the peer reviewers. We  
24 don't want to have anybody think we were self-selecting or  
25 anything like that. So we had a third party do it for us,

1 and we would work through that process, if you so desire.

2 CHAIRPERSON PAPARIAN: Okay. And I think that  
3 would be good.

4 Before we get into the commentors, we did have a  
5 number of letters from people. I think some of them are  
6 not here today. Those will all be part of the record.  
7 You'll have those. As you're looking them over, as Board  
8 Member Mulé suggested, have those in mind as you're  
9 developing the next version of the report.

10 I had a specific request from former Board Member  
11 Paul Relis. He wrote a letter -- there are copies -- I  
12 think we have some copies that we can put in the back of  
13 the room if anybody else is interested. He asked the  
14 letter be read into the record. I'm not going to do that,  
15 but he did make a number of points, and these are his  
16 points.

17 And he did point out that he has some concerns  
18 about the lack of emissions testing information and what  
19 he describes as an unsubstantiated bias in the report for  
20 biochemical conversion being a problem with the current  
21 draft of the report. He discussed a trip he made to  
22 Germany where he met with some German officials as well as  
23 vendors in Germany and suggests those regulators and  
24 technology vendors were, as he puts it, astounded to learn  
25 that California has a zero emission standard for

1 gasification. He further discusses emissions data from  
2 Germany and Japan and talks about the Green Party position  
3 in Germany and what he perceives as a bias for anaerobic  
4 digestion. And then there's some more detail in the  
5 report.

6 Again, these are all his comments. I didn't want  
7 to take the time to read the whole letter into the record.  
8 But I think you get the gist of his comments and the  
9 detail is in his letter.

10 So with that, I'll move to the speakers. First,  
11 I have -- if speakers could try to limit yourselves to  
12 about four minutes or so, it would be most appreciated. I  
13 don't want to have to interrupt you. We do have a long  
14 agenda still to come.

15 We'll start with Mike Mohajer, followed by Greg  
16 Shipley. Mike's out of the room. He goes to the end of  
17 the line. Greg Shipley, followed by Scott Smithline.

18 MR. SHIPLEY: Greg Shipley with Waste Energy.  
19 We're a conversion technology company. We've been trying  
20 to site a facility for the last three years. And we've  
21 run into so many roadblocks, and it's just to the point of  
22 frustration. My frustration is that in dealing with AB  
23 939, it was a landmark piece of legislation, but what it  
24 failed to do was that it could not anticipate the  
25 technologies that are available today. And so what it has

1 done is forced the state into a corner that we're now  
2 trying to fight our way out.

3           And two examples of that is, one is the  
4 composting discussion, last item, where the Board is  
5 considering more studies to pump up an artificial market.  
6 And also discussing in the CT Report is the artificial  
7 markets that are being created for the recycling market.  
8 And I'm a garbage guy. I send all my paper and plastics  
9 to China. It does absolutely no good whatsoever to  
10 anybody in California. So we're sending a vital resource  
11 offshore to do with whatever they want to do.

12           My point is that conversion technologies should  
13 be considered as a tool for managing the solid waste  
14 stream. And as a tool along with composting, recycling,  
15 and everything else, we need to have a level playing  
16 field. And that in my mind includes changing the  
17 definitions, because they are very confusing, allowing  
18 conversion technologies to qualify for diversion credits,  
19 because you'll never get anywhere without it. Third is  
20 that we need to change the hierarchy formula to a  
21 beneficial use type of formulation where it opens up the  
22 process.

23           As a garbage guy, when stuff comes in on the  
24 tipping floor, I would like to have the ability to find  
25 the best market at the time where those materials can go.

1 Conversion technology is a tool that would help me, for  
2 instance, manage the waste stream. In doing so, if a  
3 processor were allowed to use conversion technologies at  
4 the same site of a MRF or transfer station or landfill,  
5 that opens up the possibilities of stabilizing commodity  
6 markets. In other words, if paper were to go to \$125 a  
7 ton, it goes from making ethynyl to paper. I'm bailing  
8 paper.

9           So that whole scenario then does not rely on the  
10 state to subsidize recycling. It incentivizes, if that's a  
11 word, the ability to put the materials in the most  
12 beneficial use possible. Still recycling, but here in  
13 California. The state needs over a billion gallons of  
14 ethynyl a year, and we have to import that. We have the  
15 organic waste here, the biomass, to completely eliminate  
16 that. Why not take advantage of that for everybody?

17           My last comment is that you have a wonderful  
18 staff. They do what you tell them to do. But they were a  
19 little timid in this report. And they kind of danced  
20 around a few things. And at the end, they recommended  
21 anaerobic digestion, which was not even in the life cycle  
22 analysis or anything else.

23           It is my opinion that the Board needs to take a  
24 very strong stance and show the state some vision. Take  
25 this opportunity to communicate with the Legislature that

1 we need to restructure the way the solid waste stream is  
2 managed in California to the most beneficial use of our  
3 raw materials, and it needs to come up very strongly.

4 And I agree with the legislative agenda. I mean,  
5 I know there's legislation that's coming out. There will  
6 be a spot bill by the end of the month. But, really, we  
7 need to work in a concerted effort to move this process  
8 along and come out very strong, be visionary. Help us  
9 develop this technology. Thank you.

10 CHAIRPERSON PAPARIAN: Thank you.

11 Scott Smithline.

12 MR. SMITHLINE: Chair Paparian, Committee  
13 members. Scott Smithline, Californians Against Waste.

14 We're here again talking about conversion  
15 technologies. And, once again, I just want to recognize  
16 that the staff really has done a tremendous job. They  
17 have done a lot of work on this issue, and they've been  
18 through a lot of data. And this report is progressing.  
19 And we think that this report has a lot of excellent  
20 suggestions, and I just want to make a couple brief  
21 comments.

22 We think that the continued research agenda  
23 identified on page 67 is a strong suggestion. We think,  
24 too, they've begun the process to break conversion  
25 technologies down into sub-groups that are apples to



1 apples. We're trying to break them down into their  
2 physical and chemical characteristics as opposed to  
3 lumping them all. We think that is really a key concept.

4           There is some new data in this version of the  
5 report that was not provided by the original project  
6 contractors, as Chair Paparian pointed out. So there  
7 hasn't been the same sort of public opportunity to review  
8 that data and workshop style, if you will. As well, I  
9 guess hasn't been peer reviewed, because that happened  
10 prior to the addition of that data. So to the extent that  
11 that data has been a little bit less vetted publicly, we  
12 have a slight concern there, I would say.

13           But, overall, our primary concern is with the  
14 direction, the overall direction this report is headed.  
15 And I'll just say I think it's absolutely premature to  
16 make any recommendations regarding changing the  
17 hierarchy -- the state's hierarchy with regards to  
18 conversion technologies or any recommendation with regards  
19 to diversion credit with regards to conversion  
20 technologies.

21           This report states on page 67 that existing data  
22 gaps -- and I'm quoting -- "preclude the Board from  
23 determining the public health impacts of these conversion  
24 technologies." And the hierarchy is our guide. This is  
25 the guide that tells us how to take waste stream and

1 turn -- be as efficient as we can in getting resources out  
2 of it. And in that process, we have to include all the  
3 environmental factors that -- we must include all the  
4 environmental factors in this formula.

5 So we think before we start tinkering with this,  
6 we need to know the verdict more carefully with respect to  
7 some of the environmental data gaps that have been  
8 referred to by your staff.

9 So we support this process. We've supported  
10 moving forward with the regulatory process. We support  
11 moving this forward as quickly as conceivable. But we are  
12 absolutely opposed to addressing hierarchy. We think it  
13 is premature to do that.

14 CHAIRPERSON PAPARIAN: Thank you. \  
15 Jim Hemminger, followed by James Stewart.

16 MR. HEMMINGER: Thank you, Mr. Paparian,  
17 Committee members. My name is Jim Hemminger, Program  
18 Director for the Rural Countries Environmental Services  
19 JPA. Two comments, if I could.

20 First, generally, the rural counties are very  
21 much interested in conversion technology. More and more  
22 of our small landfills are closing, and we're very  
23 interested in pursuing small scale plans which may provide  
24 an alternative. Look right now at Modoc County -- that's  
25 one of the northeast most parts of the state -- is hauling

1 its garbage hundreds of miles to Nevada County. It's  
2 hauling its recyclables in polluting trucks, using energy,  
3 to Sacramento markets. If there were a technology that on  
4 site they could convert some of their waste materials into  
5 an ethynyl for on-site use instead of transportation, that  
6 would be wonderful. We are very interested.

7           There have been impediments for the counties.  
8 Diversion credit is an issue. But more significantly is  
9 the uncertainty. So we'd certainly agree with Board  
10 Member Marin to move this forward as quick as we could so  
11 decisions can be made. As long as there's uncertainty, no  
12 industry nor county is going to invest their money into  
13 this technology, and this process is slowing. And to the  
14 extent the report moves us forward, we support it. Let  
15 others talk details. To the extent it does not remove  
16 impediments, we would encourage changes.

17           The second issue is a little more specific.  
18 Biomass conversion isn't mentioned. But biomass  
19 conversion is very important in our rural counties. All  
20 the green waste isn't equal. We have a lot of pine  
21 needles and relating to the alternative daily cover  
22 scenario. Real story in Calaveras County, Yard Waste  
23 Diversion Program entered into a contract with Hyponex to  
24 compost the materials. It lasted a year. Hyponex said no  
25 thanks. It wasn't a good material. Entered into a

1 contract with California Waste Removal Systems. They did  
2 it for a year. I couldn't pay them enough to compost it.  
3 It was not good feedstock. So that material is now being  
4 used productively in a biomass facility to produce energy.

5           Why do we do the composting? In order to get the  
6 diversion credit. Right now the regulations limit the  
7 amount of diversion credits with conditional requirements  
8 for biomass conversion. It would be great if we could  
9 change those, but I'm not putting that forward at this  
10 time.

11           What I'm concerned about, and I did talk with  
12 Fernando, intended consequences. Changing the definition.  
13 Currently, transformation is defined to exclude biomass  
14 conversion. The new definition of combustion, which is  
15 supposed to take the place of transformation, doesn't have  
16 that exclusion. What I'm concerned about, and Fernando  
17 did seem to indicate it was an unintended consequence, but  
18 did suggest I bring this forward to the Board, that with  
19 the change in definition, subsequent clarification I guess  
20 in Section 41783 where it deals with diversion credits,  
21 that the intent of the recommendations is not to alter the  
22 existing limitations and methodologies for biomass  
23 conversion. That's my understanding, that future  
24 iterations of this will try to clarify that and at least  
25 maintain our existing diversion allowance.

1           That's the end of my comments.

2           CHAIRPERSON PAPARIAN: Let me just explore for a  
3 minute what that means and make sure I'm understanding it.  
4 There are three transformation facilities in California.  
5 As I'm understanding it, you can get up to 10 percent  
6 diversion credit by going through one of those three  
7 facilities. You can also get 10 percent -- up to 10  
8 percent diversion credit if you have a biomass facility.  
9 I don't think you can combine the two. You can't get 20  
10 percent by combining the two. It's one or the other.

11           If there was a diversion credit for the  
12 conversion technologies, as some have suggested, would  
13 that be another way to get to 10 percent, or are you  
14 suggesting that could be on top of?

15           MR. HEMMINGER: I guess I'm not trying to change  
16 the existing system. Right now, the proposal is that  
17 transformation definition be eliminated, and it be  
18 replaced with a definition for combustion. So those three  
19 transformation facilities, as well as all the biomass  
20 facilities with the proposed definitional change, would  
21 all be lumped together into combustion facilities, if you  
22 will. And I'm suggesting that with the new definitions we  
23 maintain, if you will, the distinction between the waste  
24 to energy transformation facilities and those that are  
25 biomass.

1           CHAIRPERSON PAPARIAN: So you're not suggesting a  
2 way to get to like 20 percent? You're -- I'm off. Okay.

3           MR. HEMMINGER: Yeah. I would love to suggest  
4 such, but I'm not doing so.

5           CHAIRPERSON PAPARIAN: Okay. Thank you.

6           MR. HEMMINGER: Thank you.

7           CHAIRPERSON PAPARIAN: James Stewart. And then I  
8 think after Mr. Stewart we'll take a short break.

9           MR. STEWART: Chairman, my name is Jim Stewart.  
10 I am with BRI Energy. Our company are members of the  
11 Bioenergy Producers Association, of which David Roberti is  
12 the President. He sends his regards, but, unfortunately,  
13 had to stay in Los Angeles to deal with potential flooding  
14 of his basement. And he has, however, prepared extensive  
15 comments and reports in a letter to the Board which we  
16 will enter into the record today on his behalf, and which  
17 I hope the Board and staff will thoughtfully consider as  
18 it begins the revision of its study.

19           I'm here today to speak very briefly on behalf of  
20 BRI. Our technology represents a major breakthrough in  
21 waste recycling and the generation of renewable energy.  
22 We know of no other technology that simultaneously  
23 co-produces electricity and ethynyl and/or hydrogen from  
24 synthesis gas. And it doesn't from any carbon-based waste  
25 or hydrocarbons. The synthesis gas is scrubbed, filtered,

1 and fed directly to an anaerobic microorganism that  
2 reconstructs the synthesis gas into ethynyl in less than  
3 one minute. Further, electricity is produced without  
4 combustion.

5           Nowhere in the Waste Board's AB 2770 report to  
6 the Legislature, in its proposed conversion technology  
7 regulations, nor in the current statute is such a  
8 technology contemplated. As a result, BRI's unique  
9 technology, while mostly akin to biochemical conversion,  
10 does not fit neatly into either of the draft reports'  
11 proposed conversion technology definitions.

12           The life cycle evaluation of thermal chemical  
13 conversion was based upon a single technology, a process  
14 that uses paralysis, requires pre-treatment of its  
15 feedstock, produces only electricity, and does so through  
16 combustion of synthesis gas. In a practical sense, it  
17 really doesn't relate to the BRI process at all.

18           BRI would argue that attempting to categorize,  
19 define, and regulate conversion technologies by specific  
20 type of technology is not an innovative-wise approach.  
21 Legislative statute and government regulations cannot keep  
22 pace with 21st century technological developments and  
23 clean technologies that utilize waste for liquid and  
24 electrical energy.

25           Instead, we believe that the comprehensive global

1 definition of conversion technologies, which is included  
2 in the Waste Board's own proposed conversion technology  
3 regulations, is a more appropriate approach that can  
4 accommodate present and future technologies. We recommend  
5 that this overall definition be placed in statute, which  
6 would allow the Waste Board to regulate all of these  
7 technologies on the basis of standards of performance and  
8 compliance with current air, water, and other state,  
9 local, and regional environmental standards, as is done in  
10 Europe.

11 BRI is very excited that the market impact  
12 assessment studies confirm that conversion technologies  
13 have the potential to return the lion's share of  
14 post-recycled waste stream to beneficial use, and also  
15 could significantly enhance recycling rates for glass,  
16 metals, and plastics if the diversion credit is granted.  
17 Yet, it recommends diversion credits only for biochemical  
18 technologies and does not state how it would treat an  
19 exciting new technology like ours, which has both  
20 biochemical and thermal chemical characteristics.

21 If conversion technologies contribute to reducing  
22 the landfilling of post-recycled materials, which is the  
23 objective of AB 939, they deserve diversion credit and  
24 should be granted the opportunity to compete equally in a  
25 free market. At least 31 million tons of post-recycled



1 organic waste were landfilled in California last year.  
2 This is enough to produce more than 2 billion gallons of  
3 ethynyl and generate 1500 megawatts of green power using  
4 the BRI process.

5 We'd like to be an active partner in the state's  
6 efforts towards more green energy, landfill reduction, and  
7 domestic agreement. We hope the Board will take a hard  
8 look at this draft report and revise it to best capture  
9 the immense potential of conversion technologies. Thank  
10 you.

11 CHAIRPERSON PAPARIAN: Thank you, Mr. Stewart.

12 We're going to take a ten-minute break. When we  
13 come back, Michael Theroux, followed by George Larson, and  
14 then Mike Mohajer, and then Dennis Schuetzle. So over the  
15 break, gentlemen, you have the opportunity to hone your  
16 comments.

17 (Thereupon a brief recess was taken.)

18 CHAIRPERSON PAPARIAN: We'll get started again.  
19 My intention is to go until around noon and then take a  
20 lunch break and then come back and hear the rest of the  
21 agenda. We'll get through the conversion technology item  
22 hopefully before noon. We might get to a little of the  
23 DPLA agenda, depending how quickly it goes in the next few  
24 minutes.

25 So we're going to start with Michael Theroux,

1 followed by George Larson and Mike Mohajer and Dennis  
2 Schuetzle.

3 MR. THEROUX: Chairman Paparian and Board  
4 members, good morning.

5 First, I'd like to compliment staff on an  
6 amazingly detailed report and on the ability to work  
7 interactively on difficulties we have in front of us here.  
8 It's refreshing to be able to keep the dialogue going and  
9 to know there are opposing views, difficulties,  
10 determinations to be made.

11 With that in mind, I believe my own comments for  
12 today came into the task force and were included with  
13 Carlos Reese's comments from the Los Angeles County Task  
14 Force of what I had submitted came in in that way. I'll  
15 keep my comments quite brief today.

16 There is a discussion regarding where we should  
17 place anaerobic digestion. And I find that in a very  
18 recent review that I've completed on in-vessel composting  
19 we may have problems with the composting regs, but let's  
20 leave anaerobic and aerobic digestion in that sector. AB  
21 2770 did not include those initially in the bill as it  
22 went into the Public Resources Code. And I believe we  
23 have enough to deal with right now without trying to mix  
24 those apples and oranges as has been commented. So leave  
25 the question of anaerobic digestion and aerobic digestion

1 and composting for another day's consideration and  
2 concentrate on those that were the core of the conversion  
3 technologies at this time.

4           Now recognizing -- having said that, Mr. Stewart,  
5 excellent comments on multiple technologies. It's very  
6 much appropriate here. These aren't one tool for one  
7 thing. We've got a whole array of continuity of technical  
8 approaches. And in many cases, we will find, I think,  
9 that we combine thermal chemical and biological systems  
10 into one complex processing technology. And Mr. Stewart's  
11 BRI Energy is certainly an excellent example of that. So  
12 be forewarned that is the mode we will enter into as a  
13 combined multi-technology multi-processing approach.

14           I note also that as we leave things off into the  
15 composting, and we consider at some point in the future,  
16 other agencies will have to be very deeply involved, as  
17 I'm sure they are. California Department of Food and  
18 Agriculture's performance standards for composting are the  
19 basis right now for what gets to the marketplace. Much of  
20 that has been formulated in conjunction with the Board in  
21 the past, and the Water Board as well. We have plenty of  
22 discussion there. But it is a separate discussion, I  
23 believe, from that that we should have about conversion  
24 technologies.

25           In our last -- the last time that we were in this

1 workshop, I brought out one point and I'd like to stress  
2 it again. Conversion technology should not be viewed as  
3 disposal, as the legal equivalent of waste handled in a  
4 manner constituting disposal. So much of the regulatory  
5 path we're on hinges upon that legal criteria. If we  
6 determine that these are, indeed, disposal mechanisms  
7 rather than something else, then they fit into the  
8 disposal site facility documents, and they must be put on  
9 the par in some way for permitting and enforcement of  
10 disposal sites.

11           Please take a look again. It is not discussed in  
12 the report specifically. The AB 2270 places the Public  
13 Resources Code now in the position of considering permits  
14 for conversion technologies as your newest form of  
15 disposal site. I believe that single error at the start  
16 is one of the most difficult things we need to look at in  
17 the revision and the report to the Legislature.

18           Two items have come out of discussions. I know  
19 Dr. Kay Martin has been the most eloquent on this. The  
20 question is how long have we beat on waste until it's no  
21 longer a waste? What constitutes cessation of waste? How  
22 do we make something no longer a waste? The better the  
23 processing, the better the feedstock. So if we process it  
24 well enough, what we get out is going to be a lot cleaner.  
25 But draw a line somewhere and clarify, please, to as what

1 no longer is waste. That started as waste, but is no  
2 longer waste. There's been some excellent guidelines  
3 provided to you by, I think, Dr. Martin regarding New York  
4 standards of cessation and waste.

5 In that same light, consider again where we are  
6 with beneficial use and reuse. If it's not a waste, if we  
7 can do something to make a material that was a waste no  
8 longer a waste, pull a bottle out, put it back into the  
9 bottle recycling, then we have a form of reuse. And I  
10 think most of our technologies that we're in discussion on  
11 right now fit in that category of reuse, beneficial use.

12 The last small note that I'd like to suggest in  
13 our timing -- and it is critical that we have information  
14 to the Legislature in this period of time. I believe the  
15 time line, as Mr. Paparian suggested, is appropriate for  
16 the process. But I think it's also quite appropriate that  
17 staff engage in a legislative briefing.

18 And I think that the legislators -- a simple  
19 questionnaire sent out to legislators who are interested  
20 in this enough right now to participate in a briefing, and  
21 then the Board take the lead and pull specialists forward  
22 from different areas, provide white papers, provide  
23 briefing papers. And between now and the time that the  
24 report comes in, educate our legislators. And I think  
25 that's critical to where we are right now. There's too

1 much information for them to be seeing this cold.

2 Thank you very much.

3 CHAIRPERSON PAPARIAN: Quick question.

4 COMMITTEE MEMBER MARIN: Yes, Mr. Chair. I agree  
5 with you that the conversion technology should not be used  
6 as a disposal. Do you have a language or, Fernando, have  
7 we addressed that? Have you provided us specific  
8 language?

9 MR. THEROUX: I have. The difficulties lies in  
10 the first determination that went into the Code. I mean,  
11 we carried from AB 2270, which was reflected in SB 1038, a  
12 statement that said this is your newest form of disposal  
13 facility. We need -- so I keep backing up trying to find  
14 where we tripped over the curb. And that particular one  
15 is my sore spot.

16 We need to take a look at these. We don't  
17 consider composting as disposal. So we need to place it  
18 in a context similar to composting and other forms of  
19 reuse and recycling. If we just look for that thread  
20 within the Public Resources Code that was moved over and  
21 remove it from the context of being a disposal facility,  
22 we would have gained worlds right there.

23 COMMITTEE MEMBER MARIN: Thank you.

24 Fernando.

25 SUPERVISOR BERTON: In the existing statute for

1 gasification, the definition for gasification  
2 specifically, gasification is considered disposal as a  
3 disposal facility. It's included amongst the list of  
4 landfill, et cetera, et cetera, et cetera. So it would be  
5 a matter of looking at that language.

6 COMMITTEE MEMBER MARIN: And maybe this is  
7 something that really needs to -- we need to delve into  
8 it. Because, you know -- and it might be a philosophical  
9 difference. I believe that we may be -- we are generating  
10 something out of this. And whether it's fuel or heat or  
11 gas or something else, it is the generation of something  
12 else that, in fact, negates the use or the term disposal,  
13 because we're actually generating something.

14 MR. THEROUX: As Fernando knows, I'll be more  
15 than happy to work with staff on actual language on that.

16 CHAIRPERSON PAPARIAN: This is one that would  
17 generate much more controversy than might be evident from  
18 this. I think if you look at the --

19 COMMITTEE MEMBER MARIN: That's what I'm saying.  
20 It might be philosophical.

21 CHAIRPERSON PAPARIAN: If you look at the current  
22 European approach -- if you look at our current, it's  
23 reuse, number one. Number two, recycling -- source  
24 reduction -- recycling and then land disposal and  
25 transformation are equated in our 40051 definition. If

1 you look at the Europeans and what they're doing right  
2 now, they plug some of the conversion technologies in  
3 between recycling and land disposal. That's one approach.

4 Others would suggest you equate recycling and  
5 conversion technologies. I think that either way you do  
6 it, whether you put it in between recycling and land  
7 disposal, or you equate it with recycling, would be  
8 something we should delve into in some depth before going  
9 forward and recommending it. Because it would be a huge,  
10 huge thing. It's fundamental to this Board, the use of  
11 the hierarchy. And I think it would be something we would  
12 need to spend a fair amount of time discussing.

13 COMMITTEE MEMBER MARIN: And I believe we should  
14 do that, Mr. Chairman. I believe it's time that we -- and  
15 whether it's a Board or one particular workshop or this  
16 particular Committee, if that's an issue -- because I  
17 think that it may be a philosophical difference and it may  
18 be more than that. I think it's time that at least we  
19 have a very open discussion about this and the benefits  
20 and the -- what would you call it? Or the contradictions  
21 maybe or the differences that some people may have.

22 SUPERVISOR BERTON: One thing to point out, too.  
23 And this is sort of part two of some potential unintended  
24 consequences. If these kinds of technologies are not  
25 considered disposal, does that mean then do we lose the



1 purview over those facilities? And then the effect -- the  
2 potential for presorting and the requirement for  
3 presorting?

4 COMMITTEE MEMBER MULÉ: Well, I agree with you,  
5 Fernando, but I think that goes back to Mr. Theroux's  
6 comment of when does waste stop being waste, and when does  
7 it become a feedstock in a manufacturing process? And  
8 that's what Chairman Marin is saying, is she doesn't view  
9 this, nor do I view this, as disposal. This can be viewed  
10 as a manufacturing process. And that is -- I agree with  
11 Chairman Marin. We need to have this discussion, because  
12 it's going to drive the whole direction of where we go  
13 with this. So I think it's critical. I think the timing  
14 is now that we do have these types of discussions.

15 CHAIRPERSON PAPARIAN: So what I'm hearing the  
16 Chair describe is that we do need to open up the hierarchy  
17 to discussion. And I'm thinking about whether we should  
18 do that here. I mean, that's, you know --

19 COMMITTEE MEMBER MULÉ: No. I think what I'm  
20 saying is we need to clearly define what these processes  
21 are. And it goes back to the recommendations that staff  
22 is making in the report. Let's clarify some of these  
23 definitions. It's not necessarily open the hierarchy --  
24 reopen the hierarchy. Let's make sure we have our  
25 definition straight for a number of reasons. Number one,

1 we don't want to exclude any technologies that are  
2 developing every day. And, number two, we need to define  
3 it as a manufacturing process or disposal process or  
4 whatever.

5           And you know what? We may lose our purview of  
6 authority to a certain degree. But in my mind, there may  
7 not be a problem with that as long as we have another  
8 government agency, whether it's Department of Energy,  
9 somebody needs to take responsibility for this. And,  
10 again, that's what I'm reading in the letters that we're  
11 receiving. So, I mean, these are the kinds of issues that  
12 we really need to discuss. We need to get on the table.

13           CHAIRPERSON PAPARIAN: And I think one thing to  
14 also keep in mind -- I know the Europeans have been  
15 brought up quite a bit. One of the things that is central  
16 to the European system is a much more aggressive recycling  
17 infrastructure and pre-processing infrastructure that  
18 assures that recycling -- the manufacturers are very  
19 actively involved in taking back the product. And what  
20 the manufacturers don't take back, there's a very  
21 aggressive system to recycle that, which we don't have in  
22 California, which makes the discussion even more complex  
23 than if you're trying to slot the --

24           COMMITTEE MEMBER MULÉ: But that goes back to us  
25 driving the direction of where we're going to go in

1 managing solid waste and recyclables.

2 CHAIRPERSON PAPARIAN: But my point would be that  
3 if we're going to open up this discussion, then we need to  
4 think about what we're going to do to push manufacturer  
5 responsibility and other very aggressive recycling  
6 options. To try to slot this into the hierarchy somehow  
7 without that discussion I think would be a mistake.

8 COMMITTEE MEMBER MARIN: I agree with you. See,  
9 I'm looking at it from a much bigger, broader perspective  
10 in that here we have a Governor who has most recently in  
11 the State of the State address talked about how energy  
12 needs to be produced within California. And so, quite  
13 frankly, conversion technologies will enable Californians  
14 to create that energy in one way or another.

15 So, Mr. Chairman, you know, in one way -- and  
16 that's why I want to make sure people understand. I don't  
17 see it as disposal, because we are generating energy.  
18 We're generating fuel. We're generating something else.  
19 So it's not like we're disposing of things. We, through  
20 these technologies, are generating something else. So if  
21 we're going to be true to what the Governor is attempting  
22 to do and where he's saying we need to invest and create  
23 opportunities for California to produce its own resources,  
24 energy resources, I'm thinking here we have a vast  
25 opportunity. And it is a challenge in that we need to get

1 everybody to come to agreement with us.

2 But I agree with you. We need to have the  
3 recycling infrastructure to do that. But when things can  
4 no longer be recycled, what would be wrong to utilize that  
5 to then create fuel, generate fuel? So we have our work  
6 cut out for us.

7 CHAIRPERSON PAPARIAN: Right. That sort of  
8 pre-processing I think is critical to any of -- not just  
9 the conversion technology, but a lot of the other  
10 alternative technologies we've been talking about. That  
11 keeps us true to the hierarchy to try to push things up  
12 the hierarchy to their most beneficial use.

13 COMMITTEE MEMBER MULÉ: Absolutely.

14 CHAIRPERSON PAPARIAN: Okay. Next we have George  
15 Larson.

16 Thank you, Mr. Theroux, for helping trigger that  
17 discussion.

18 MR. LARSON: Chairman Paparian, Committee  
19 members, George Larson. Thank you for the opportunity,  
20 and I'll try to be brief. I'm speaking on behalf of and  
21 am a principle in a company called Plastic Energy, which  
22 is a conversion technology that targets waste plastics  
23 that do not have a home, are not recycled, which are  
24 currently going to landfills, and utilizes that to produce  
25 an ultra low sulfur diesel fuel that will meet upcoming

1 emission standards to be imposed by APA.

2           When the studies were first announced, I  
3 anxiously offered our project as one of three studies.  
4 And, in fact, it is one of three studies. In retrospect,  
5 given the politicization of this issue, maybe I would not  
6 have done that. We have been sort of put in a delay  
7 status, because there's been a lot of politics. Not  
8 issued by this Board, but by interest groups who would be  
9 detractors of all conversion technology.

10           But I just want to make a few comments about the  
11 studies. I support -- and all you need to really look at  
12 I think is the key findings on the slide that Fernando  
13 presented that talks about energy savings and reduction of  
14 disposal and reduction of disposal of resources that could  
15 be otherwise producing higher value products.

16           Whether or not it's called recycling is not  
17 germane at this point. It's not the issue I want to die  
18 on. I want to see these projects happen and be evaluated  
19 according to scientific data and then a judgement be made.  
20 And then we can decide if they need to go on the hierarchy  
21 or not. Right now, we're spinning our wheels in a project  
22 like ours that we invested \$3 million of investor/taxpayer  
23 money is not moving forward. It will move forward.  
24 That's the point I want to make.

25           I think there are data gaps, and that's what's

1 come out of the studies. When AB 2770 was drafted, there  
2 was \$1.2 million that was allocated in early versions of  
3 the bill towards doing demonstration projects to prove  
4 these technologies. For whatever reason -- and I won't go  
5 into that -- that money was diverted to studies. Well,  
6 the studies are a good investment of money because we need  
7 science. But I think what it has done is point out where  
8 science is lacking, and science cannot be answered until  
9 you actually do some studies. I mean, real bench-type  
10 studies or demonstration projects.

11 I think the definition of conversion technology,  
12 as has been said by people in here a lot smarter than I  
13 am, is a complex issue of different kinds. The  
14 generalization leads to confusion and leads to the  
15 creation of a bigger target to detractors, because they  
16 can categorize all conversion technologies under things  
17 like incinerators in disguise, which defies logic, but  
18 creates a lot of emotional fervor that helps to defeat or  
19 delay progress, or at least the analysis of technologies  
20 that may result in progress.

21 Source testing in a forum sponsored by this Board  
22 in 2001 was recommended that proposals or grants be made  
23 available for small-scale projects. That was a  
24 recommendation. I think if AB 2770 had carried through  
25 with the original intent of providing that money, you

1 would have provided some grants, and we wouldn't be here  
2 discussing whether or not allegations or issues are yet to  
3 be resolved. We would have some actual scientific data to  
4 make decisions.

5 As to timing, I know the report's late. I don't  
6 think timing is the issue today. April, I would think, is  
7 the earliest at which this Board should try to bring a  
8 report that would be going to the Legislature. I'll flash  
9 back to AB 939. When it was first enacted, regulations to  
10 implement that law were due on law day. Obviously, you  
11 could not do that. We did some obviously intensive work  
12 when I worked with this Board to try to assist local  
13 governments to put those and for us to put those  
14 regulations together.

15 There's precedence in history that the  
16 Legislature can make a mistake. I mean, a date can be  
17 wrong. I think to be confirmed by your staff, that  
18 communication has happened. And the author of the bill  
19 acknowledged that that year is wrong. So you're not going  
20 to be hung on the cross for another couple of months on  
21 something that's been going on for two or three years.

22 If I understand it, and to be corrected also and  
23 commented by staff, these consultant reports are just  
24 that. They're documents based upon investigations done by  
25 people with a high degree of qualifications to investigate

1 their subject matter. This Board can accept or reject any  
2 portion of those studies. You, the Board, will be  
3 drafting your report based upon those studies and input  
4 from people hopefully like me and others in this room and  
5 others who have written.

6 I'm concerned that the energy of issue, which  
7 Madam Chair Marin just raised, in 2000 and 2001 when half  
8 the lights were off in this room as a general course for  
9 these Board meetings, energy conservation was a big issue.  
10 Maybe it's not that big of an issue today, but I believe  
11 it is. I think we shouldn't lose sight of that,  
12 especially since it was just reiterated by Governor  
13 Schwarzenegger.

14 I'm here to acknowledge our project in Kings  
15 County is in a corner. We're not dead. We're not  
16 defeated. We're not going away. We are asking for your  
17 support, and we will be asking others for support to do  
18 the demonstration necessary on a pilot or bench basis to  
19 answer the specific questions that need to be answered.  
20 And right now our client is the San Joaquin Valley Air  
21 Quality Management District who needs that data. The  
22 issues were raised. We acknowledge the data is necessary.  
23 We're trying to find a way to provide the data so our  
24 project can move forward, so you can point to our project  
25 and say, look, it works or it doesn't. We're willing to



1 take that test. We want to get there.

2           Somebody said earlier we need a vision. We all  
3 need a vision. And I hope this Board will adopt the  
4 vision that it first enthusiastically adopted when  
5 conversion technology was thought to be something that  
6 this Board should move on to. There wasn't a term in  
7 1989.

8           I respect the hierarchy, and I concur with Scott  
9 Smithline from Californians Against Waste that this is not  
10 the time to really be addressing restructuring the  
11 hierarchy. We can address that when we know the facts  
12 about projects that may or may not alter the priorities.  
13 And by alter it doesn't mean better or worse or compost  
14 has to go. As we've discussed in the previous project,  
15 these are complex. These are not vertical issues. These  
16 are horizontal issues that intermingle with one another.  
17 So we can't just cut out compost and cut out ADC and cut  
18 out conversion technology. They all have to be  
19 considered.

20           Finally, I think this is the most important issue  
21 this or any previous Board has considered since the  
22 implementation or the enactment of AB 939. I think the  
23 success that this and the previous Boards have provided in  
24 leadership to local government and to private industry,  
25 who really does the work, is a model for the success of

1 the Board thus far. I think if the same vision and the  
2 same positive attitude is adopted by this Board as it  
3 relates to conversion technology and not get sidetracked  
4 into political issues, you have the opportunity here to be  
5 the leader for the next ten years, like you were for the  
6 last ten.

7 Thank you.

8 CHAIRPERSON PAPARIAN: Thank you.

9 Mike Mohajer.

10 MR. MOHAJER: Good morning, Chair, Chair, and  
11 Board Member. My name is Mike Mohajer, and I'm  
12 representing myself. And I believe you got the letter  
13 that was faxed to you yesterday from the task force.  
14 However, the task force will not making a formal decision  
15 until the 20th. And then you also have -- I'm speaking on  
16 my own behalf, and I did provide the e-mail.  
17 Unfortunately, as I was sitting back there listening to  
18 the discussion with Michael Theroux, I think I have  
19 answered all those questions.

20 But a couple of things that I just wanted to  
21 mention, that one of the things that bothered me about the  
22 recommendation -- in my writing, I've already thanked  
23 Fernando for all the darn good work he has been doing,  
24 especially coming down to L.A. County working with the  
25 Advisory Committee and everything else. I can't put a

1 limit in that.

2 But one of the things that that Board do in the  
3 past several years -- I have been involved with this issue  
4 since 1998 specifically, which resulted in our County  
5 Board of Supervisors and many cities in L.A. County to go  
6 to these conversion technology, changing the hierarchy of  
7 waste management. And so it isn't anything new to us.  
8 But as a part of that work, we worked with the Waste  
9 Board, other organizations that involved in addition to  
10 L.A. County was Ventura County, Leagues of Cities, CSAC,  
11 SWANA, SCAG from Southern California.

12 And the Board developed certain policy towards  
13 conversion technology both thermal and bio. And in those,  
14 they provided diversion credit, subject to certain  
15 recommendations. This recommendation that I see in this  
16 report completely ignored the activities that we had  
17 accomplished, at least in those last several years and  
18 there's study in new arena.

19 So I'm going to go a little bit more specific as  
20 to what my recommendations were in my e-mail that  
21 addresses the specific questions. So first I said, I'm  
22 going to -- we need a solid waste management system that  
23 promotes innovative technology for the 21st century,  
24 rather than belaboring the outdated 20th century  
25 technology system and unfounded and unsubstantiated

1 skepticism and fear of being promoted by few interest  
2 groups.

3           The Waste Board and its members need to take  
4 leadership, while taking advantage of the report's  
5 findings -- not recommendations -- findings in formulating  
6 legislative recommendation that moves California into 21st  
7 century world. And I'm emphasizing. If we are looking at  
8 the global, the report comes and talks about all the  
9 recyclables goes to China. This is not California. This  
10 is not U.S. This is global. So you have to broaden your  
11 view.

12           The first item that Madam Chair asked was that  
13 what are the conversion technology. And I suggested  
14 conversion technology should be defined as listed in the  
15 proposed Section 1740284 of the Title 14, which very  
16 specifically -- I just pulled it out -- reads, "Conversion  
17 technology" -- this is what are they. "Conversion  
18 technology means the processing through non-combustion,  
19 thermal, chemical, or biological process, other than  
20 composting of solid waste, including, but not limited to,  
21 organic material, such as paper, yard trimming, wood  
22 waste," and goes on. This is what it was prepared by your  
23 staff, and it is part of the proposed regulation that was  
24 considered by the Permitting Committee on December 6th,  
25 4th, something like that.

1           So the definition has already been established.  
2   So this report that has come out totally ignore that and  
3   start micro-managing. We want to have a gasification. I  
4   want to have anaerobic digestion. I want to have this. I  
5   want to have that. For every one of them, then you have  
6   to go through the process of establish regulations.

7           Number two, the definition the transformation  
8   statute should be replaced, and I agree with the report's  
9   recommendation which says replace the transformation and  
10   just limit it to combustion as suggested in the report to  
11   be defined as "thermal destruction in oxygen rich  
12   environment of solid waste for generation of heat and  
13   subsequent energy production."

14           Number three, how do we get the conversion  
15   technology out of the disposal definition? The only way  
16   you can do it -- there is no other possible way that I  
17   know of -- is change the hierarchy that was established by  
18   AB 939. As Mr. Paparian indicated, this is the way it is  
19   defined. It is not based on science. It is not based on  
20   engineering. It is not based on technical. It's based  
21   purely by political ramification at that time.

22           I said this, the solid waste management hierarchy  
23   established by AB 939 in 1989 -- we're talking about 25  
24   years ago, or 15 years ago -- should be revised and  
25   updated for the 21st century by promoting the following

1 waste management practices in order of priority: Source  
2 reduction, recycling, composting, and other beneficial  
3 recovery uses, such as conversion technology, and then  
4 disposal and incineration.

5           Now, what are we doing about the credit for what  
6 is going on for the existing recycling? I said that  
7 jurisdictions shall be provided with diversion credit,  
8 provided that, A, jurisdictions pass and will continue to  
9 implement its recycling and other diversion programs  
10 identified in the Board-approved source reduction and  
11 recycling element, which all those documents were prepared  
12 and the Board approved. And this will take out the  
13 pre-recycling that some groups are concerned with.

14           And then I go into one step further and made it  
15 more restrictive and said, consistent with other  
16 requirement of the Board indicated in Resolution 2003-177,  
17 Option 3.

18           And then the next one is how to develop and allow  
19 permitting for this facility as a conversion technology  
20 facility must comply with the standards of performance set  
21 by federal and state regulatory agency. So you set this  
22 standard like any other industry, that we want you to do  
23 X, Y, and Z. If you meet those requirement, fine, you can  
24 operate. If you don't, then you can't. Very simple. But  
25 for this technology, we are taking a completely back road,

1 and I don't know why.

2           And then I also concluded. I said that part of  
3 the report, especially the beginning of it, I said that  
4 after the executive summary, the way the report is written  
5 is very negatively biased towards conversion technology  
6 based on unsubstantiated air emission concerns -- and  
7 we're emphasizing this. I know there are people over here  
8 that totally disagree, but these are the facts.  
9 Unsubstantiated air emission concern due to a lack of data  
10 from facilities in California, because none has been  
11 allowed to be developed due to existing legislative  
12 constraint and prohibition.

13           So as, Madam Chair, you indicated the other day,  
14 you don't let them develop it to find the data and then  
15 you come after them. And the report has called out very  
16 specifically quite a few of these facilities in Japan, in  
17 Europe, that, for example, we bring the e-waste and  
18 everything else that Mr. Paparian is support, myself, too,  
19 and they have this facilities. They have regulations.  
20 They do have the data. The data are available as you  
21 indicated, Mr. Relis has indicated. So why not put out  
22 those data? If they're looking at air emission, look at  
23 those and move forward, rather than spending more and more  
24 and more and more and study and report and that sort of  
25 thing.

1           So I hope that -- it is my recommendation -- it's  
2 short. It is brief. But for some -- I'm not employed by  
3 anybody. So you would know, I don't represent anybody.  
4 This is something that I strongly believe in, nor am I  
5 proposing this recommendation to be employed by anybody in  
6 the future, because I'm not, nor would I be accepting,  
7 even if they offered me. But my offer is there. If I can  
8 work with the staff, we have with Fernando for quite a few  
9 years and will continue to do that.

10           CHAIRPERSON PAPARIAN: Thank you, Mr. Mohajer.

11           Dr. Dennis Schuetzle, and then I think that's the  
12 last speaker slip that I have. Okay.

13           MR. SCHUETZLE: Since we're very close to lunch,  
14 I'll just take a couple of minutes. Thank you very much.

15           I'm Dennis Schuetzle. I represent the Renewable  
16 Energy Institute International, which is a nonprofit  
17 organization. We have centers in several countries and  
18 are comprised of quite a number of prominent scientists  
19 and engineers. And we're technology neutral, I must say.  
20 So we look at all technology as having a potential to  
21 solve these problems. And in that light, we believe that  
22 it's very important that what this document that has been  
23 put together is a great step forward. Redefining some of  
24 these terms, like gasification, incineration is very  
25 important. So we don't exclude any particular technology.



1           I think the report has gone a long way in meeting  
2 that requirement. There are a few tweaks that are needed.  
3 There are several of us that have looked at the report.  
4 There are several tweaks that are needed to make it a  
5 little more scientifically credible, a little more  
6 generic, and we've transmitted those comments back to  
7 Fernando and his team.

8           I might say, too, that Chair Mulé has suggested  
9 that we have a peer review of the report. And I would  
10 agree with that. As being a peer reviewer of many reports  
11 over many years, it's very difficult to get people to, of  
12 course, respond in a short period of time. I think I know  
13 enough people out there in the scientific community, not  
14 only in the United States but internationally, who owe me  
15 a favor, who I will tweak to try to get their comments on  
16 this report as soon as possible. So I will work with  
17 Fernando and your team to try to get that peer review done  
18 as soon as possible.

19           CHAIRPERSON PAPARIAN: Just so we're clear,  
20 CalEPA actually has a peer review process. And I invite  
21 your colleagues to comment on the report and so forth.  
22 But that may be somewhat different than what the  
23 structured peer review process that we have available to  
24 us.

25           MR. SCHUETZLE: I know peer review boards both

1 through the Academy of Sciences in several countries, et  
2 cetera, et cetera. They can always add people. That's  
3 easy to do, because they're always looking for good peer  
4 reviewers. It's just a matter of tweaking the process.  
5 I'm not so worried about that.

6           The other thing, our team, because we're  
7 international, have knowledge of these technologies in  
8 other countries. It's true, the Europeans, the Asians,  
9 especially the Japanese are ahead of us. They have a lot  
10 of data that we have not looked at. There has been, as  
11 we've just heard, testing of emissions data on several  
12 systems. We do have systems in this country -- actually,  
13 I was supposed to go to North Dakota this weekend. Didn't  
14 make it because of the weather, which probably is good  
15 because it was minus 20 there. But this is one of the  
16 biggest gasification systems in the world. This is the  
17 report of it. It's in North Dakota. It's a \$2 billion  
18 facility. And the technologies have been well worked out  
19 on a very large scale. And the emissions from these  
20 systems is very low. There's lots of data like this out  
21 there that we can bring to bear on issues of environmental  
22 acceptance.

23           And then, finally, because in the past I've  
24 worked in many countries -- I was in charge for Ford Motor  
25 Company for research and technology for 18 countries. I

1 know these countries, especially China. I know where  
2 they're going with recycling and renewables. And one of  
3 our centers is in Chengdu. Another center is in  
4 Chongqing, China. And we'd be glad to work with your  
5 Board to help tie these groups in these other countries  
6 with your particular needs. So thank you very much.

7 CHAIRPERSON PAPARIAN: Thank you.

8 What's the pleasure of the Committee? Should we  
9 discuss this now or would you like to think about it over  
10 the lunch and come back to it?

11 COMMITTEE MEMBER MARIN: Mr. Chairman, if I may,  
12 I do have a commitment with people from U.S. EPA that I  
13 have to leave to go to now. I probably will not be back  
14 until at least 2:00, but I would like to continue the  
15 discussion of this, Mr. Chairman, at that time, if you  
16 would. But I support whatever you and Ms. Mulé would do.

17 CHAIRPERSON PAPARIAN: That's fine. We can take  
18 our lunch break and hear -- my intention will be to come  
19 back at 1:30 promptly and start the DPLA agenda and then  
20 come back to this for a little fuller discussion amongst  
21 the Board members.

22 And then so everybody knows, I had a conversation  
23 with Patty Wohl over the break about all the written  
24 comments that we've received. And what Patty agreed is  
25 that we would try to post those letters on our website so

1 that everybody has the opportunity to have available what  
2 comments have been made by everybody else. And then I  
3 don't know how quickly that can happen. It depends on our  
4 computer folks. But that would be the intention to post  
5 those letters on our website.

6 We'll take a break now and come back at 1:30, go  
7 into the DPLA agenda at that time. And sometime after  
8 2:00, we'll come back for the Board member discussion of  
9 this item.

10 (Thereupon a lunch recess was taken.)

11 CHAIRPERSON PAPARIAN: Okay. We'll start up here  
12 as a Subcommittee of Board Member Mulé and myself. Board  
13 Member Marin will be joining us in a while. We're going  
14 to go over the DPLA items. We'll see how fast we get  
15 through those. Maybe we can get through those and back to  
16 the final word on the conversion technology item.

17 DEPUTY DIRECTOR SCHIAVO: Pat Schiavo, Diversion,  
18 Planning, and Local Assistance Division.

19 In the interest of time, I will postpone comments  
20 until next month, since we have a lot of items.

21 We will start out with Item 12, Committee Item F.  
22 It's Consideration of the 2001-2002 Biennial Review  
23 Findings for a whole lot of Household Hazardous Waste  
24 Elements. And Steve Sorelle will present this item.

25 SUPERVISOR SORELLE: Good afternoon, Committee

1 members.

2 Board staff have completed their 2001-2002  
3 biennial review for the HHWE, Household Hazardous Waste  
4 Elements, for the jurisdictions identified in this agenda  
5 item in accordance with the biennial review process  
6 approved by the Board in May 2004.

7 Staff review indicates these jurisdictions have  
8 adequately complied with the implementation requirements  
9 of PRC Section 41850 by successfully implementing  
10 Household Hazardous Waste programs. For this reason,  
11 staff is recommending approval of the 2001-2002 biennial  
12 review findings for the HHWEs for these jurisdictions.

13 This concludes my presentation. Thank you.

14 CHAIRPERSON PAPARIAN: Any questions? Ready for  
15 the motion.

16 COMMITTEE MEMBER MULÉ: Okay. I would like to  
17 move approval of Resolution 2005-01.

18 CHAIRPERSON PAPARIAN: And I'll second that.

19 Call the roll.

20 SECRETARY KUMPULAINIEN: Marin?

21 Mulé?

22 COMMITTEE MEMBER MULÉ: Aye.

23 SECRETARY KUMPULAINIEN: Paparian?

24 CHAIRPERSON PAPARIAN: Aye.

25 I think what we'll do on all these is hold the

1 roll open so Board Member Marin can add on if she wants,  
2 and then we'll make a determination on consent on all  
3 those.

4 DEPUTY DIRECTOR SCHIAVO: The next item is  
5 Committee Item G. This is Consideration of the Amended  
6 Nondisposal Facility Element for the Unincorporated Area  
7 of Riverside County. They met all requirements, and staff  
8 is recommending approval.

9 CHAIRPERSON PAPARIAN: This is your old  
10 territory.

11 COMMITTEE MEMBER MULÉ: Yes, it is. So without  
12 any questions, I would like to move approval of Resolution  
13 2005-02.

14 CHAIRPERSON PAPARIAN: I'll second that. We'll  
15 substitute the previous roll call.

16 DEPUTY DIRECTOR SCHIAVO: Item H is Consideration  
17 of the Calaveras County Regional Agency Formation Joint  
18 Exercise of Powers Agreement between the County of  
19 Calaveras and the City of the Angels Camp. And Natalie  
20 Lee will present this item.

21 MS. LEE: Good afternoon, Committee members.

22 The unincorporated area of Calaveras County and  
23 the City of Angels Camp approved a Joint Exercise of  
24 Powers Agreement establishing the Calaveras County  
25 Regional Agency in September of 2003. They submitted the

1 agreement to staff in November of 2003 requesting approval  
2 of the Regional Agency.

3           Staff has been unable to present the Joint Powers  
4 Agreement for Board consideration prior to this time  
5 because the two jurisdictions have been working under  
6 separate 1066 agreements. Those agreements had original  
7 terms ending December 31st of 2004. The preliminary  
8 review shows that the jurisdictions have completed the  
9 implementation of programs under the 1066 plans. And the  
10 final reports will be submitted in the near future.

11           Staff is presenting the JPA for consideration and  
12 is requesting that Calaveras County Regional Agency be  
13 established and considered effective January 1 of 2005.  
14 The Office of Local Assistance and the Legal Office staff  
15 have reviewed the subject document to ensure the JPA meets  
16 the statutory requirements of the Public Resources Code  
17 and Board regulations regarding regional agency formation.

18           Staff recommends approval of the Calaveras County  
19 Regional Agency formation Joint Exercise of Powers  
20 Agreement, forming a regional agency between the County of  
21 Calaveras and the City of Angels Camp.

22           Are there any questions?

23           CHAIRPERSON PAPARIAN: Let me just ask, so the  
24 December 31st deadline we will be getting the reports on  
25 how well both jurisdictions did sometime in the near

1 future? And can you give us a preliminary indication?

2 MS. LEE: Both jurisdictions have fully  
3 implemented the programs that they committed to. Of  
4 course, we won't have diversion rate numbers for another  
5 year, but we are satisfied with their implementation of  
6 the programs. The County has actually been working under  
7 a Joint Powers Agreement with the City since 1975 for a  
8 solid waste implementation. So any changes or additional  
9 programs that would need to be implemented, they are  
10 committed to doing that on behalf of all member agencies.

11 CHAIRPERSON PAPARIAN: Okay. Any other  
12 questions?

13 COMMITTEE MEMBER MULÉ: No. I have none.

14 CHAIRPERSON PAPARIAN: There's a couple  
15 representatives here. I just want to acknowledge them if  
16 they're still here.

17 COMMITTEE MEMBER MULÉ: I think they left. They  
18 were here earlier, though.

19 So with that, I'd like to move Resolution  
20 2005-03.

21 CHAIRPERSON PAPARIAN: I'll second that. And  
22 we'll substitute the previous roll call.

23 DEPUTY DIRECTOR SCHIAVO: Natalie Lee will also  
24 be presenting Committee Item I, which is Consideration of  
25 Five-Year Review Report for the Countywide Integrated



1 Waste Management Plan for the County of Plumas.

2 MS. LEE: Each county and regional agency in  
3 California is required to review the Countywide Integrated  
4 Waste Management Plan every five years and provide a  
5 review report with findings to the Board. Plumas County's  
6 five-year review report was delivered to Board staff on  
7 June 21st, 2004. After review of the initial report,  
8 staff required some additional information to complete  
9 their review. This was obtained during biennial review  
10 process. The biennial review for the county was approved  
11 in December 2004.

12 The County in its five-year review report has  
13 determined that no revision of the Integrated Waste  
14 Management Plan is necessary at this time. The finding is  
15 consistent with the recommendation of the local task  
16 force. The review report is included in the item as an  
17 attachment. And Board staff has determined that the  
18 County has addressed all the required elements in the  
19 five-year review report and concurs with the County's  
20 finding that no revision is necessary.

21 Therefore, staff's recommendation is that the  
22 Board approve Plumas County's five-year review report,  
23 finding that no revision to the Countywide Integrated  
24 Waste Management Plan is required.

25 This concludes the presentation. I can answer

1 any questions you may have.

2 CHAIRPERSON PAPARIAN: I just had a quick  
3 question. I think it's probably more for Pat.

4 When I read this, I noted they have out-of-county  
5 capacity as part of their 15-year capacity. Is that  
6 unusual? I don't remember seeing many jurisdictions do  
7 that.

8 DEPUTY DIRECTOR SCHIAVO: That's very unusual.  
9 Yeah.

10 CHAIRPERSON PAPARIAN: But it's allowable?

11 DEPUTY DIRECTOR SCHIAVO: It's allowable.

12 CHAIRPERSON PAPARIAN: Any other questions?

13 COMMITTEE MEMBER MULÉ: And I assume then all the  
14 discrepancies in waste reporting -- I saw that Portola had  
15 underestimated and just had some discrepancies. Those  
16 have all been resolved then to our satisfaction?

17 MS. LEE: They have. The City of Portola closed  
18 their city landfill and started using the county's basic  
19 infrastructure through their transfer station and then  
20 hauling out of state to Lockwood. In 2002 and 2003 was  
21 that transition time. So they are undergoing some changes  
22 in reporting, but we are satisfied that they're adequately  
23 and appropriately reporting.

24 COMMITTEE MEMBER MULÉ: Okay. Thank you.

25 With that, I would like to move approval of

1 Resolution 2005-04.

2 CHAIRPERSON PAPARIAN: I'll second that. And  
3 we'll substitute the previous roll call.

4 DEPUTY DIRECTOR SCHIAVO: The next item is  
5 Committee Item J, and this is Consideration of the  
6 Five-Year Review Report for the Regional Agency Integrated  
7 Waste Management Plan for the Inyo Regional Waste  
8 Management Agency. And Yasmin Satter will make this  
9 presentation and a few others after that.

10 MS. SATTER: Good afternoon, Board members.

11 Inyo Regional Agency has submitted its first  
12 five-year review of the Countywide Integrated Waste  
13 Management Plan. The County determined that a revision of  
14 the County's plan was not necessary at this time. Board  
15 staff has evaluated the County's report and determined  
16 that the required elements have been addressed.  
17 Therefore, it is staff's recommendation that the Board  
18 approve the County's assessment that no revision is  
19 necessary.

20 Representatives from the City are present to  
21 answer any questions you may have. This concludes my  
22 presentation.

23 COMMITTEE MEMBER MULÉ: Then I move approval of  
24 Resolution 2005-05.

25 CHAIRPERSON PAPARIAN: I'll second that. And

1 we'll substitute the previous roll call.

2 DEPUTY DIRECTOR SCHIAVO: Committee Item K, which  
3 will also be presented by Yasmin, is Consideration of a  
4 Request to Correct the 2000 Base Year for the Previously  
5 Approved Source Reduction Recycling Element for the City  
6 of Stockton, San Joaquin County.

7 MS. SATTER: Good afternoon, again.

8 The City of Stockton originally submitted a  
9 correction request with a diversion rate of 54 percent for  
10 2000. As a result of the base year correction review,  
11 deductions were made to diversion amounts claimed by the  
12 city. These adjustments can be viewed in detail by  
13 referring to Attachment 3 of the agenda item packet. With  
14 these changes, the City of Stockton's diversion rate for  
15 2000 is 49 percent. However, with the addition of biomass  
16 credit, the City's 2000 diversion rate would be 55  
17 percent. No extrapolations were used to calculate  
18 diversion amounts. This request is well documented and is  
19 generally consistent with Board standards for accuracy.  
20 Therefore, staff recommends the Board approve the request  
21 to correct the 2000 base year for the City of Stockton.

22 Representative from the City are also present  
23 today for any question you may have. And this concludes  
24 my presentation. Thank you.

25 CHAIRPERSON PAPARIAN: Any questions?

1 COMMITTEE MEMBER MULÉ: I just have a question  
2 on -- I guess it's -- I'm not sure -- Attachment 3 where  
3 we're looking at the generator identification and staff  
4 verification. And under the bottom one there, the cannery  
5 waste, and I guess we couldn't verify that that -- what is  
6 the intention?

7 MS. SATTER: They couldn't document that tonnage.  
8 They were not able to provide the documentation that this  
9 waste was generated within the city limit.

10 COMMITTEE MEMBER MULÉ: That it was generated in  
11 the first place, or that they did something with it other  
12 than dispose of it?

13 MS. SATTER: Well, they though they have some  
14 cannery waste, but they were not able to provide us the  
15 documentation that waste is there. They were just -- they  
16 didn't have the resources to track it down.

17 DEPUTY DIRECTOR SCHIAVO: Whether it is generated  
18 within that jurisdiction's boundaries.

19 COMMITTEE MEMBER MULÉ: Okay. Thank you.

20 With that, I'd move approval of Resolution  
21 2005-06.

22 CHAIRPERSON PAPARIAN: I'll second that. And  
23 we'll substitute the previous roll call.

24 DEPUTY DIRECTOR SCHIAVO: And Yasmin is here one  
25 more time for Committee Item L. And this is Consideration

1 for Request to Change the Base Year to 2001 for the  
2 Previously Approved Source Reduction and Recycling Element  
3 for the City of Tracy in San Joaquin County.

4 MS. SATTER: The City of Tracy originally  
5 submitted a new base year change request with a diversion  
6 rate of 69 percent for 2001. As a result of the base year  
7 study review, deductions with made to diversion amounts  
8 claimed by the city. These adjustments can be viewed in  
9 detail by referring to Attachment 3 of the agenda item  
10 packet. With these changes, the City of Tracy's diversion  
11 rate for 2001 is 60 percent. However, with the addition  
12 of biomass credit, the City's 2001 diversion rate would be  
13 63 percent. No extrapolations were used to calculate  
14 diversion amount. This request is well documented and is  
15 generally consistent with Board standards for accuracy.  
16 Therefore, staff recommends the Board approve the request  
17 to change the base year for the City of Tracy to the year  
18 2001.

19 Representatives from the city are present to  
20 answer any questions you may have. This concludes my  
21 presentation. Thanks.

22 CHAIRPERSON PAPARIAN: Any questions?

23 COMMITTEE MEMBER MULÉ: I have no questions.

24 CHAIRPERSON PAPARIAN: Go ahead and move.

25 COMMITTEE MEMBER MULÉ: I move approval of

1 Resolution 2005-07.

2 CHAIRPERSON PAPARIAN: I'll second that. We'll  
3 substitute the previous roll call.

4 DEPUTY DIRECTOR SCHIAVO: Thank you.

5 Item 19 is Consideration of Request to Change the  
6 Base Year to 2001 for the Previously Approved Source  
7 Reduction Recycling Element and Consideration of the  
8 Petition for Sludge Diversion Credit for the  
9 Unincorporated County of Monterey. And this is Committee  
10 Item M presented by Marshalle Graham.

11 MS. GRAHAM: Good afternoon, Committee Chair,  
12 Committee members.

13 The County originally submitted a new base year  
14 request with the diversion rate of 58 percent. As a part  
15 of the new base year study review, Board staff conducted  
16 detailed on-site verification visits. As a result of this  
17 review, Board staff recommends a revised diversion rate of  
18 57 percent for the base year of 2001.

19 Board staff has also thoroughly reviewed the  
20 County's petition for sludge diversion credit and has  
21 concluded that the County has demonstrated compliance with  
22 the applicable statutory conditions. Board staff has  
23 determined that the information for both the new base year  
24 as well as the County's petition for sludge diversion  
25 credit is adequately documented. Therefore, Board staff

1 is recommending Option 3 of the agenda item, which would  
2 approve the revised base year with staff recommendations  
3 as well as approve the petition for sludge diversion  
4 credit.

5           Representatives for the County are present to  
6 assist in answering any questions that you have. This  
7 concludes my presentation.

8           CHAIRPERSON PAPARIAN: Thank you. Did the  
9 representative from the County want to speak?  
10 Ms. Diridoni.

11           MS. DIRIDONI: Good afternoon, Chair Paparian,  
12 and Chairwoman. My name is Jessica Diridoni, and I'm here  
13 today on behalf of the Monterey County Health Department.  
14 Monterey County is committed to meeting and exceeding AB  
15 939 by continuing its comprehensive recycling program  
16 implementation, monitoring, and education. The County's  
17 programs focus on technical assistance and increasing  
18 residential business, county facility, and special event  
19 diversion. The County also administers two solid waste  
20 franchise agreements, a countywide oil and filter  
21 recycling program, a Monterey Bay Area Green Business  
22 Program, and participates in our recycling market  
23 development zone.

24           The opportunity to prepare a new base year study  
25 has allowed the County to establish a more accurate



1 baseline to measure and report the success of diversion  
2 programs. During a two-year period, the County Health  
3 Department staff gathered data and conducted over 125  
4 waste assessments. The study was submitted to CIWMB staff  
5 in 2003 without extrapolation of diversion data. In  
6 September 2004, Office of Local Assistance staff completed  
7 site visits to the top business generators in the  
8 unincorporated area and continued to correspond with the  
9 County to complete the verification process.

10 We would like to acknowledge Board staff for  
11 their invaluable technical assistance throughout the  
12 review and verification. Monterey County is pleased to  
13 present our new base year generation study and thanks your  
14 Board for consideration. Thank you.

15 CHAIRPERSON PAPARIAN: And thank you. I know the  
16 County has been very enthusiastically implementing  
17 programs the last few years, and it's good to see that's  
18 continuing.

19 COMMITTEE MEMBER MULÉ: I have no questions. So  
20 with that, I'd like to move Resolution 2005-08.

21 CHAIRPERSON PAPARIAN: I'll second that. And  
22 we'll substitute the previous roll call.

23 DEPUTY DIRECTOR SCHIAVO: Item Committee Item N  
24 is Consideration of Request to Change the Base Year to  
25 2000, and Consideration of the 2001 -- and should read

1 2002 -- Biennial Review Findings and Consideration of  
2 Petition for Sludge Diversion Credit for the City of  
3 Livermore in Alameda County. And I would just like to  
4 mention the dates are correct in the Resolution and the  
5 item itself. And two items in a row did that for some  
6 reason. I'm not sure why. But they are correct in other  
7 parts of the document. And Eric Bissinger will present  
8 this item.

9 MR. BISSINGER: Good afternoon, Committee  
10 members.

11 The City originally submitted a new base year  
12 change request with a diversion rate of 51 percent for  
13 2000. As part of the base year study review, Board staff  
14 conducted a detailed site visit in August of 2004.

15 As a result, staff is recommending some changes  
16 to the diversion study. These changes can be seen in  
17 their entirety in Attachment 3 of the agenda item. With  
18 these changes, Livermore's diversion rate for 2000's new  
19 base year would be 45 percent.

20 Board staff also conducted a 2001-2002 biennial  
21 review of the City's Source Reduction Recycling Element  
22 and Household Hazardous Waste Element in accordance with  
23 the program implementation to date and determined the  
24 City's level of program implementation is adequate.

25 In addition, the City has submitted documentation

1 for a biomass claim which increases the 2001 diversion  
2 rate by 10 percent to equal 63 percent and increases the  
3 2002 diversion rate by 6 percent to equal 51 percent.

4 Staff therefore recommends the Board adopt Option  
5 2. Representatives of Livermore are present to answer any  
6 questions. Thank you.

7 CHAIRPERSON PAPARIAN: Any questions?

8 COMMITTEE MEMBER MULÉ: I just have a question  
9 for staff. I've noticed when I reviewed all these items  
10 that there are a number of jurisdictions that are applying  
11 for that sludge diversion credit. Is this something that  
12 is new or that the jurisdictions were unaware of? I'm  
13 just curious as to why it seems like all of a sudden now  
14 all these jurisdictions are requesting this credit that  
15 they never received before, or have they?

16 DEPUTY DIRECTOR SCHIAVO: I think it's just  
17 happenstance. It's always been there. We've had some of  
18 this occur in the past. We're not doing any more to  
19 promote it, that I'm aware of. But it's always been  
20 available.

21 COMMITTEE MEMBER MULÉ: But I guess my question  
22 is, were the jurisdictions unaware of this diversion  
23 credit? Because I did speak with a jurisdiction yesterday  
24 who was unaware that this diversion credit was out there.

25 DEPUTY DIRECTOR SCHIAVO: It's been publicized.

1 From time to time we have discussions. But there's also a  
2 lot of turn over from time to time, so it could be just a  
3 gap of information in that particular jurisdiction.

4 COMMITTEE MEMBER MULÉ: I guess that's my point  
5 is that for our Local Assistance staff, I know you all do  
6 a great job out there, but when cities or counties get new  
7 staff on board, you might want to just kind of go over all  
8 the rules with them just to orient them as to what they  
9 can and can't count in their diversion programs.

10 DEPUTY DIRECTOR SCHIAVO: If they're going to be  
11 doing a new base year, that is part of the process.

12 CHAIRPERSON PAPARIAN: I just wanted to comment.  
13 I appreciate the work that staff did in zeroing in on some  
14 questionable items. They weren't big tonnage-wise, but I  
15 think it was important to catch some of the items you  
16 caught on this. Good work.

17 COMMITTEE MEMBER MULÉ: With that, I'd like to  
18 move Resolution 2005-09.

19 CHAIRPERSON PAPARIAN: I'll second that. And  
20 we'll substitute the previous roll call.

21 DEPUTY DIRECTOR SCHIAVO: Eric will be presenting  
22 Committee Item O. That's Consideration of Request to  
23 Change the Base Year to 2003 and Consideration of the  
24 2001-2002 Biennial Review Findings for the City of San  
25 Ramon, Contra Costa County. And the dates are correct in

1 the Resolution and the item.

2 MR. BISSINGER: The City originally submitted a  
3 new base year change request with the diversion rate of 49  
4 percent for 2003. As a result, staff is recommending some  
5 changes to the diversion study. These changes can be seen  
6 in the entirety of Attachment 3 of the agenda item.

7 With these changes, San Ramon's diversion rate  
8 for 2003 would be 54 percent. Board staff has determined  
9 that the base year change request is adequately  
10 documented. Also, the City's level of program  
11 implementation has been determined to be adequate.

12 Staff therefore recommends the Board adopt Option  
13 2 and find that the City of San Ramon has at a minimum  
14 continued to implement programs consistent with  
15 Board-approved program levels in 2001-2002 biennial review  
16 cycle and approve the City's base year change request with  
17 staff's recommended changes. Representatives from San  
18 Ramon are here. Thank you.

19 CHAIRPERSON PAPARIAN: Any questions? Go ahead.

20 COMMITTEE MEMBER MULÉ: I would like to move  
21 Resolution 2005-10.

22 CHAIRPERSON PAPARIAN: I'll second that. And  
23 we'll substitute the previous roll call.

24 DEPUTY DIRECTOR SCHIAVO: Committee Item P is  
25 Consideration of a Request to Change the Base Year to

1 2002, and Consideration of the 2001-2002 Biennial Review  
2 Findings for the City of Los Altos, Santa Clara County.  
3 Kathy Davis will present this item.

4 MS. DAVIS: Hi. Good afternoon. The City  
5 requested a 51 percent diversion rate for to 2002 new base  
6 year. With the Board staff recommended new base year, the  
7 City's diversion rate would be 50 percent for 2002. In  
8 addition, staff conducted a 2001-2002 biennial review of  
9 the City's Source Reduction and Recycling Element and  
10 Household Hazardous Waste Element program implementation  
11 and diversion rate achieved. Staff review indicated the  
12 City is adequately implementing source reduction,  
13 recycling, composting, and public education and  
14 information programs.

15 Board staff recommends the Board adopt Option  
16 Number 2. A city representative, Mr. Jim Gustafson, is  
17 present to answer any questions you may have. Thank you.

18 CHAIRPERSON PAPARIAN: Questions?

19 COMMITTEE MEMBER MULÉ: No questions. I would  
20 like to move Resolution 2005-11.

21 CHAIRPERSON PAPARIAN: I'll second that. And  
22 we'll substitute the previous roll call.

23 DEPUTY DIRECTOR SCHIAVO: Kathy will also be  
24 presenting Item Q. That's Consideration of Request to  
25 Change the Base Year to 2000 and Consideration of the

1 2001-02 Biennial Review Findings for the City of Dublin in  
2 Alameda County.

3 MS. DAVIS: The City originally submitted a new  
4 base year change request with a diversion rate of 55  
5 percent for 2000. As a result of Board staff's  
6 verification of the City's claimed diversion, staff is  
7 recommending some changes to the diversion study. These  
8 changes can be seen in their entirety in Attachment 3 of  
9 this agenda item. With these changes, Dublin's diversion  
10 rate for the 2000 new base year would be 51 percent. In  
11 addition, the City submitted documentation for a biomass  
12 claim which increases the 2000 diversion rate to 7 percent  
13 to equal 58 percent. Board staff also conducted a  
14 2001-2002 biennial review of the City's SRRE and HHWE  
15 program implementation to date and determined that the  
16 City's level of program implementation is adequate. In  
17 addition, the City has submitted documentation for a  
18 biomass claim, which increases the '01 diversion rate by 4  
19 percent to equal 55 percent and increases the '02 rate by  
20 1 percent to equal 51 percent.

21 Staff therefore recommends the Board adopt Option  
22 2. Representatives of Dublin, Mr. Jason Beriman, are  
23 present to answer any questions. Thank you.

24 COMMITTEE MEMBER MULÉ: I just have a quick  
25 question on the biomass. It says biomass -- the tonnage

1 was removed because it wasn't calculated in their new base  
2 year study. Why was that?

3 BRANCH MANAGER MORGAN: Cara Morgan, Office of  
4 Local Assistance. When we do a base year, by statute,  
5 biomass is not put into the base year. It's calculated  
6 into the report year. It's just a technicality. When  
7 they filled out the cert form, they included it in the  
8 base year so they had to remove it.

9 COMMITTEE MEMBER MULÉ: Thank you.

10 CHAIRPERSON PAPARIAN: If I'm figuring the  
11 biomass numbers right, it seems that the diversion numbers  
12 without biomass have been fairly consistent for the last  
13 three years, and the biomass accounts for pretty much the  
14 fluctuation from 58 down to 51. Okay.

15 COMMITTEE MEMBER MULÉ: With that, I'd like to  
16 move Resolution 2005-12.

17 CHAIRPERSON PAPARIAN: I'll second that, and  
18 we'll substitute the previous roll call.

19 DEPUTY DIRECTOR SCHIAVO: I'd like to combine  
20 Committee Items R and S, and these are Consideration of  
21 Request to Change the Base Year to 2000, and Consideration  
22 of the Application for an SB1066 Time Extension for the  
23 City of Highland, San Bernardino County. And Cara Morgan  
24 will present this item.

25 BRANCH MANAGER MORGAN: Good afternoon. The City



1 of Highland has requested to change its base year to 2000  
2 using the data from its previously approved 2000  
3 generation based study. The City requested a 52 percent  
4 diversion rate for 2000. Board staff recommended  
5 deductions and additions to the original study which can  
6 be viewed in Attachment 4. With Board staff's recommended  
7 numbers, the City's diversion rate would still be 52  
8 percent for 2000, 47 percent for 2001, and 45 percent for  
9 2002. For this particular item, staff is recommending the  
10 Board adopt Option Number 2.

11           The City of Highland has also requested an SB1066  
12 sometime extension through December 31st, 2005. While the  
13 City had exceeded the 50 percent diversion requirement in  
14 2000, based on its study, the City believes it will need  
15 to implement the proposed plan of correction to again  
16 achieve and then maintain the 50 percent diversion  
17 requirement. The continuing growth in both the city and  
18 the surrounding Inland Empire has challenged the City's  
19 existing programs. And in response, the City has  
20 determined it will need to expand some of those programs  
21 to meet the demands of maintaining the 2000 diversion  
22 rate.

23           The city has identified key areas in which  
24 programs can be expanded to increase diversion. These  
25 include improvements to the City's residential and

1 commercial curbside collection, as well as strengthening  
2 the City's C&D diversion program in accordance with the  
3 C&D ordinance it adopted in 2001. In conclusion, staff is  
4 recommending for the time extension item the Board adopt  
5 Option Number 1.

6           Unfortunately, the representatives for the city I  
7 believe -- oh, they are so kind. They did stay. So if  
8 you have any questions, they are still here. That  
9 concludes staff's presentation for both items.

10           COMMITTEE MEMBER MULÉ: Thank you.

11           Does the City of Highland want to make a  
12 statement or anything? You're okay with this? Okay.  
13 Good.

14           Then I guess we have two separate resolutions. I  
15 move Resolution 2005-13.

16           CHAIRPERSON PAPARIAN: So you're moving that.  
17 I'll second that. We'll substitute the previous roll  
18 call.

19           COMMITTEE MEMBER MULÉ: And then I move  
20 Resolution 2005-14.

21           CHAIRPERSON PAPARIAN: I second that. We'll  
22 substitute the previous roll call.

23           DEPUTY DIRECTOR SCHIAVO: Committee Item I is  
24 Consideration of Application for SB1066 Time Extension by  
25 the City of Half Moon Bay in San Mateo County. And Keir

1 Furey will present.

2 MR. FUREY: Good afternoon, Committee members.

3 The City of Half Moon Bay has requested a 1066  
4 time extension through December 31, 2005. The City's  
5 reasons they need a time extension are as follows: To  
6 allow time to implement a program that will divert  
7 biosolids produced at the waste water treatment facility  
8 that the city hosts; to revise an existing C&D ordinance  
9 to improve its effectiveness; and to expand other existing  
10 diversion and outreach programs.

11 The Board staff has determined the information  
12 submitted in the application is adequately documented  
13 based on this information. Board staff is recommending  
14 that the Board approve the City's time extension request.

15 That concludes my presentation, if you have any  
16 questions.

17 CHAIRPERSON PAPARIAN: They've gone from 41 to  
18 39, and so the sludge alone isn't going to get them there.  
19 They're going to need to do quite a bit more stuff. And  
20 can you just expand a little bit? Are they really  
21 adopting and implementing a lot of new programs?

22 MR. FUREY: Actually, they are. They're looking  
23 at -- again, I'm looking to see their plan. They're going  
24 to be working on their curbside program as far as some new  
25 toter style containers. I think they're switching from

1 the old stackable bins to the toters. They're trying to  
2 expand their commercial -- going back and revisiting a lot  
3 of their larger commercial generators, sludge, C&D waste.  
4 A lot of the cities start the ordinance and get the basics  
5 in place, but there's still work to actually get them to  
6 be effective and really enforce them. So they've got the  
7 foundation. Now they've got it up and running and see  
8 where they need to tweak it to really improve it strongly.  
9 They're going to be working with -- those are the kind of  
10 things they were looking at doing.

11 CHAIRPERSON PAPARIAN: Thank you.

12 Let the record show also that Board Member Marin  
13 has joined us.

14 Any other questions on this item?

15 COMMITTEE MEMBER MULÉ: No, I have none. Move  
16 approval of Resolution 2005-15. I'll second.

17 Call the roll.

18 SECRETARY KUMPULAINIEN: Marin?

19 COMMITTEE MEMBER MARIN: Aye.

20 SECRETARY KUMPULAINIEN: Mulé?

21 COMMITTEE MEMBER MULÉ: Aye.

22 SECRETARY KUMPULAINIEN: Paparian?

23 CHAIRPERSON PAPARIAN: Aye.

24 I was going to go through the previous items.

25 COMMITTEE MEMBER MARIN: Good.

1 CHAIRPERSON PAPARIAN: We went through Items G  
2 through Item S.

3 DEPUTY DIRECTOR SCHIAVO: Starting with F.

4 CHAIRPERSON PAPARIAN: Oh, thank you. So  
5 starting with Item F through Item S prior to your arrival.  
6 And we had 2-0 votes on all of those and left the roll  
7 open if you wanted to add to it.

8 COMMITTEE MEMBER MARIN: I do, Mr. Chair. I  
9 don't have any problems, as I mentioned to you before. If  
10 I may for the record, it will be a 3-0.

11 CHAIRPERSON PAPARIAN: You'll be voting aye on  
12 all those items?

13 COMMITTEE MEMBER MARIN: Right.

14 CHAIRPERSON PAPARIAN: Is that okay? I'm getting  
15 a nod from Legal staff. So all those Items F through S,  
16 plus T that we just did, should go on the consent  
17 calendar.

18 DEPUTY DIRECTOR SCHIAVO: Next item is Item U.  
19 And this is Consideration of a Second SB1066 Time  
20 Extension Application by the following jurisdictions:  
21 Solano Unincorporated, Solano County, and Daly City, San  
22 Mateo County. And Betty Fernandez will present.

23 MS. FERNANDEZ: Committee Chair and Committee  
24 members.

25 The City of Daly City and the County of Solano

1 have requested a second time extension through December  
2 31st, 2005. The reasons why the City of Daly City is  
3 requesting the second time extension are as follows: To  
4 allow time to implement a program that will divert  
5 biosolids produced at the wastewater treatment facility  
6 that the city hosts, to allow time to strengthen their  
7 existing C&D ordinance mandating contractors to certify  
8 that materials are being recycled; and to expand existing  
9 diversion and outreach programs.

10 With regard to the County of Solano, the reason  
11 for their second time extension request are: Based on the  
12 lack of formal garbage contract has resulted in disposal  
13 and recycling participation on a voluntary basis; formal  
14 garbage negotiations and contracts with local haulers have  
15 been delayed; also the County requires more time to fully  
16 implement the new services and allow for continued  
17 outreach and education for eligible residents, including  
18 non-English Spanish-speaking residents.

19 The Board has determined that the information  
20 submitted in the applications is adequately documented.  
21 And based on this information, Board staff recommends that  
22 the Board approve the time extension request for both the  
23 City and the County.

24 Representatives from the city and the county were  
25 not able to attend. This concludes my presentation.

1 CHAIRPERSON PAPARIAN: Any questions?

2 COMMITTEE MEMBER MARIN: Not a question,  
3 Mr. Chairman. But I really do appreciate -- I know I see  
4 it every now and then where cities especially that have  
5 heavily minority populations where they really make that  
6 extra effort to reach out to them. I really like the fact  
7 they have the oil. You know, there is a lot of Latino  
8 families that they recycle their -- they change their own  
9 oil, and they do it at home. And unless somebody is there  
10 to remind them in Spanish that the appropriate disposal  
11 and things of that nature, they don't know how to do it.  
12 So I know that every now and then some of the cities make  
13 an extra effort to reach out to those communities, and I  
14 really -- I was very pleased to see that very  
15 specifically.

16 So with that, Mr. Chair, if you would accept a  
17 motion of approval.

18 CHAIRPERSON PAPARIAN: Are there any other  
19 questions? Go ahead.

20 COMMITTEE MEMBER MARIN: Resolution 2005-16.

21 COMMITTEE MEMBER MULÉ: Second.

22 CHAIRPERSON PAPARIAN: It's been moved and  
23 seconded. We'll substitute the previous roll call and put  
24 this on consent.

25 DEPUTY DIRECTOR SCHIAVO: Marie Kakutani will be

1 presenting Committee Item V, which is Consideration of the  
2 Application for an SB1066 Time Extension by the City of  
3 Laguna Beach, Orange County.

4 MS. KAKUTANI: Good afternoon, Committee members.

5 The City of Laguna Beach has requested a time  
6 extension through December 31st, 2005. The reason the  
7 City of Laguna Beach needs a time extension is to  
8 implement programs as outlined in their first time  
9 extension, such as school source reduction and recycling  
10 programs, that will involve the coordination of the DPLA  
11 staff, wood waste and C&D program, increase in material  
12 diverted to the transformation facility, residential green  
13 waste, and drop off program. The City of Laguna Beach  
14 anticipates an 8.5 percent increase in its diversion rate.  
15 Board staff has determined that the information submitted  
16 in the application is adequately documented. Based on  
17 this information, Board staff is recommending that the  
18 Board approve its time extension request.

19 This concludes my presentation.

20 CHAIRPERSON PAPARIAN: Any questions?

21 COMMITTEE MEMBER MARIN: No questions. Move  
22 approval of --

23 CHAIRPERSON PAPARIAN: 2005-17.

24 COMMITTEE MEMBER MULÉ: Second.

25 CHAIRPERSON PAPARIAN: And it's been moved and



1 seconded. We'll substitute the previous roll call and put  
2 this on consent.

3 DEPUTY DIRECTOR SCHIAVO: Committee Item W is  
4 Consideration of the Application for an SB1066 Time  
5 Extension and Consideration of 2001-2002 Biennial Review  
6 Findings for the Household Hazardous Waste Element for the  
7 City of San Jacinto, Riverside County. And Zane Poulson  
8 will present this item.

9 MR. POULSON: Good afternoon, Committee members.

10 The City of San Jacinto has requested a time  
11 extension through December 31st, 2005. The specific  
12 reasons the City of Jacinto needs a time extension are as  
13 follows: Implement programs as outlined in their first  
14 time extension, such as residential curbside will be  
15 expanded in order to automate the service to once-a-week  
16 service; residential curbside green waste will be expanded  
17 so residents will be able to use a new green waste  
18 container provided to them by the city's new franchise  
19 hauler; commercial recycling will be expanded by offering  
20 an aggressive outreach campaign so more businesses can  
21 participate in the recycling program; to implement a  
22 construction and demolition ordinance.

23 Board staff have determined the information  
24 submitted in the application is adequately documented.  
25 Based on this information, Board staff is recommending

1 that the Board approve the time extension request. A  
2 representative from the city is present to answer any  
3 questions. This concludes my presentation.

4 CHAIRPERSON PAPARIAN: Any questions?

5 COMMITTEE MEMBER MULÉ: No. Move approval of  
6 Resolution 2005-18.

7 COMMITTEE MEMBER MARIN: Second.

8 CHAIRPERSON PAPARIAN: Moved and seconded. We'll  
9 substitute the previous roll call and put this one on  
10 consent.

11 DEPUTY DIRECTOR SCHIAVO: Zane will also be  
12 presenting Committee Item X, and that's Consideration of  
13 the Application for SB1066 Time Extension by the City of  
14 La Mesa, San Diego County.

15 MR. POULSON: The City of La Mesa has requested a  
16 1066 time extension through December 31st, 2005. The  
17 specific reasons the City needs a time extension are as  
18 follows: To expand the city's recycling program for  
19 diversion of multi-family waste and commercial waste; to  
20 implement a construction and demolition ordinance; and to  
21 work to identify misallocated waste at the transfer  
22 station located within the city; and conduct outreach and  
23 education efforts to emphasize to self-haul customers the  
24 importance of proper disposal reporting; and conduct  
25 training of the transfer station's staff to ensure they

1 are making all possible efforts to obtain and report the  
2 correct origin of self-haul disposal materials.

3 Board staff have determined that the information  
4 submitted in the application is adequately documented.  
5 Based on this information, Board staff is recommending  
6 that the Board approve the City's time extension request.

7 Representatives from the city are available to  
8 answer your questions. This concludes the presentation.

9 CHAIRPERSON PAPARIAN: Has the misreporting -- is  
10 there some thought that has increased over the last few  
11 years? Because the diversion rate has been going down.

12 COMMITTEE MEMBER MARIN: I noticed that, too.

13 MR. POULSON: There has been some concern over  
14 that there might be some additional misreporting or  
15 tracking issues they're trying to work on.

16 CHAIRPERSON PAPARIAN: I don't know if the  
17 representative might want to comment on that.

18 COMMITTEE MEMBER MULÉ: I was going to ask if  
19 somebody could come and explain what steps you're taking  
20 to correct the situation.

21 MR. SNIDER: I'm John Snider. I'm General  
22 Manager of the EDCO Disposal, the franchised hauler for  
23 the city of La Mesa. We also operate EDCO Station, which  
24 is in the city.

25 We feel that since opening the station in 1999

1 that self-hauled waste that comes through has been  
2 misreported. Folks think when they come in they think  
3 maybe there's a discount because they're from out of the  
4 jurisdiction. We also operate in a wasteshed area where  
5 the county of San Diego shares the ZIP code. There's  
6 unincorporated areas that share the same ZIP code as the  
7 city of La Mesa. It's in very close proximity to the  
8 transfer station where self-haul waste can be coming from,  
9 too.

10 What we have done is put up signage both in  
11 English and Spanish to let our customers know there is no  
12 discount for where your waste comes from. It's state  
13 reporting. It's very important. We've gone through some  
14 pretty extensive training with our staff to make sure  
15 they're asking the right questions, and we implemented  
16 that in the last year. So we think we have a handle on  
17 it, so it should improve.

18 COMMITTEE MEMBER MULÉ: Thank you, John.

19 I know that's not an issue unique to La Mesa.  
20 We're having those problems around the state. Appreciate  
21 the steps you're taking to correct the situation. Thank  
22 you.

23 CHAIRPERSON PAPARIAN: Thanks. Any other  
24 questions?

25 COMMITTEE MEMBER MARIN: No. I was looking at

1 all of the other cities and why some of them are going  
2 down, the percentage of your city, because you are  
3 starting on a lower level. I mean, 2000, you only have 45  
4 percent. So to 38 percent is a much higher increase -- or  
5 rather decrease than other cities that started at 48 and  
6 went down to 45. So I'm glad you're taking action to  
7 correct this, and I want to see 50 by next year.

8 COMMITTEE MEMBER MULÉ: With that, I'll move  
9 Resolution 2005-19.

10 COMMITTEE MEMBER MARIN: Second.

11 CHAIRPERSON PAPARIAN: There's been a motion and  
12 a second. We'll substitute the previous roll call and put  
13 this one on consent.

14 DEPUTY DIRECTOR SCHIAVO: Committee Item Y is  
15 Consideration of the 2001-2002 Biennial Review Findings  
16 for the Source Reduction Recycling Element and Household  
17 Hazardous Waste Element for Plumas County and Portola.  
18 And Natalie Lee will present this item.

19 MS. LEE: Good afternoon, again. Staff has  
20 conducted the biennial review for the city of Portola and  
21 found that while the 2002 diversion rate remains below the  
22 50 percent diversion requirement, the jurisdiction is  
23 adequately implementing source reduction, recycling,  
24 public information, and education programs. Therefore,  
25 staff recommends support for Option 1 in the agenda item.

1           This jurisdiction is a small rural city which has  
2   extensive fluctuations in diversion rates over time. The  
3   SB 2202 working group recommended that rural jurisdictions  
4   be allowed to demonstrate AB 939 compliance by program  
5   implementation and effectiveness, instead of spending  
6   resources on fixing numerical issues. Staff followed this  
7   recommendation when reviewing the jurisdiction.

8           This concludes my presentation.

9           CHAIRPERSON PAPARIAN: Any questions?

10          COMMITTEE MEMBER MULÉ: And I move adoption of  
11   Resolution 2005-20.

12          COMMITTEE MEMBER MARIN: Second.

13          CHAIRPERSON PAPARIAN: Moved and seconded. We'll  
14   substitute the previous roll call and put this one on  
15   consent.

16          DEPUTY DIRECTOR SCHIAVO: The final item is Item  
17   Z, is Consideration of a Request to Extend the Due Date  
18   for the Submittal of the Source Reduction Recycling  
19   Element and Household Hazardous Waste Element and  
20   Nondisposal Facility Element by the City of Rancho Cordova  
21   in Sacramento County will be presented by Steve Sorelle.

22          MR. SORELLE: Good afternoon, Chair and Committee  
23   members.

24          Newly incorporated cities are required to submit  
25   within 18 months of incorporation a Source Reduction and

1 Recycling Element, Household Hazardous Waste Element,  
2 Nondisposal Facility Element to California Integrated  
3 Waste Management Board for approval.

4           The City of Rancho Cordova was incorporated on  
5 July 1, 2003, and its SRRE, HHWE, and NDFE submittal due  
6 date was January 1, 2005. The City has requested to  
7 extend its due date until December 31st, 2005, which will  
8 provide sufficient time for them to complete their base  
9 year study covering calendar year 2004 and to finalize all  
10 planning documents, some of which are dependent on data  
11 from the base year study for completion. Staff has  
12 determined the reasons for the extension are adequate and  
13 the extension period is reasonable. Therefore, staff  
14 recommends Option 1 to approve the extension request.

15           This concludes my presentation. Thank you.

16           CHAIRPERSON PAPARIAN: Any questions? Board  
17 Member Mulé is moving 2005-21.

18           COMMITTEE MEMBER MARIN: And I second that.

19           CHAIRPERSON PAPARIAN: We'll substitute the  
20 previous roll call and put that on consent.

21           That brings us to the end of DPLA, but back to  
22 conversion technologies. Where we left it was we heard  
23 all the testimony. And do you have anything to add or  
24 respond to?

25           SUPERVISOR BERTON: Fernando Berton of material

1 management. Not so much -- there would be a lot to  
2 respond to.

3           One thing I do want to add, we were chitchatting  
4 as far as possible comment deadlines. February 15th for  
5 comment deadlines. And we're thinking of having a  
6 workshop February 24th, specifically on the report, a  
7 public workshop.

8           COMMITTEE MEMBER MARIN: There were a couple of  
9 letters that I saw. And as a matter of fact, I agreed  
10 with the tenor of -- I think it was former Member Roberti  
11 that if I recall correctly he was suggesting that maybe  
12 the very first caveat of the report tends to have a little  
13 bit of a down side, gloomy kind of a presentation. And,  
14 you know, this is actually pretty exciting. And if  
15 California is going to be a leader again, I think that the  
16 way we might want to present -- acknowledging that there  
17 are some concerns. But at the end of the day, that has  
18 presented us with an opportunity to shine again. And that  
19 we can be the leaders, you know, taking into consideration  
20 the concerns that people may have. In fact, this is  
21 something, you know, that we look forward to taking on as  
22 a challenge.

23           California has never shied away from challenges.  
24 Just the opposite. I believe so strongly that we can --  
25 we're bigger than the challenges before us, that we can



1 take them and run with them. And we are the leaders in  
2 this effort. We should not shy away from that, that we  
3 are willing and able to meet the challenges of the 21st  
4 century. And this is the venue that then properly  
5 California can shine again or can continue to shine,  
6 rather.

7 So, Mr. Chair, if you would concur that maybe the  
8 presentation of it, not minimizing the concerns, but it's  
9 far more positive.

10 CHAIRPERSON PAPARIAN: I think what the  
11 Legislature was looking for was, more than anything else,  
12 a ranking of these technologies based on a variety of  
13 environmental, public health, and economic factors. And,  
14 you know, maybe that needs to be drawn out more, because I  
15 think there are a range of technologies. And I think  
16 where we stumble in the conversion technology area is when  
17 they all get lumped together, but another one seems really  
18 good. And we get kind of perplexed about all that.

19 So I think that perhaps one thing we could do is  
20 go back and kind of look at the pluses and minuses of each  
21 one, because I think that's really what the Legislature  
22 was looking for, and maybe draw out the sort of ranking  
23 again that I think the Legislature was looking for so  
24 that, you know, some technologies do stand out as being  
25 perhaps a little more preferable than some of the other

1 ones.

2 COMMITTEE MEMBER MULÉ: I have a concern with  
3 that, with ranking technologies. As we mentioned earlier,  
4 the technology of conversion technologies is changing  
5 every day. And so what may be feasible today or what may  
6 not be feasible today or what we don't even know of today  
7 may be the technology of the future down the road.

8 And what I would recommend in our staff report is  
9 rather than hear it says, "specific and discrete  
10 definitions and descriptions of each conversion technology  
11 evaluated," I think one of the conclusions that we can  
12 come to is that this is an evolving group of technologies.  
13 And in keeping with that to say to let the Legislature,  
14 know that this is ongoing and our research would be  
15 ongoing. But based on the information that we have today,  
16 here's what we look at. Here's what we limited our scope  
17 of our report to and perhaps present it in that way,  
18 rather than, you know, try to do this ranking that today  
19 may be one thing but tomorrow might be something else.

20 COMMITTEE MEMBER MARIN: I certainly agree with  
21 that. The point that we -- the bottom line question is  
22 what do we want? You know, we, Californians, are people  
23 that are always looking for a better, cheaper, faster way.  
24 And we can meet those challenges through the innovation  
25 and not just of what we know. I mean, innovation is

1 things we don't know. It's creating new things. And I am  
2 really hopeful that through new technologies that we will  
3 have answers to many of the problems that we have right  
4 now with our resources and the utilization of those  
5 resources. So I guess more than anything else, I'm  
6 looking for the ways that technology can really help us  
7 and this conversion technology, whatever they may be.

8           For all we know, Mr. Chair, in six months some  
9 genius out there is going to come up with something  
10 totally different. And if we were to utilize a particular  
11 ranking of yet-to-be-discovered things, that would put  
12 that particular innovation out in the -- out. It wouldn't  
13 even be considered. So I don't want to limit ourselves,  
14 and I don't want our people out there who are willing to  
15 invest to be limited by that either, you know, in these  
16 new technologies.

17           And I know for some -- you know, we really have  
18 to think the people that are willing -- and I don't even  
19 know if they're here anymore. The people that are really  
20 taking a chance with investing in these new technologies,  
21 some of them are going to pay off, and some of them  
22 unfortunately are going to fall flat. But for those  
23 innovators that are coming up with the answers, you know,  
24 we do need to provide them the environment, if you will,  
25 so they can succeed. I don't want to impose limits on

1 them. I want it to be limitless as the options are. And  
2 there are technologies that we have yet to discover, and I  
3 don't want to limit them.

4 COMMITTEE MEMBER MULÉ: But at the same time,  
5 taking into consideration all the environmental aspects of  
6 it, to me, that goes without saying.

7 CHAIRPERSON PAPARIAN: I think, Fernando, you  
8 have drawn out a number of things that we know and that we  
9 don't know about, either the impacts or possible impacts  
10 of some of the technologies. And I think that's quite  
11 appropriate to include also.

12 I had a couple of other things. We talked about  
13 posting the comments on the web, which hopefully we can  
14 get done, if we need to push Mr. Leary a little bit to try  
15 to make sure that the computer folks know to get this done  
16 in the next week or so in time for people to have the  
17 opportunity to look at them before they have the February  
18 15th deadline upon them. I think that would be helpful.

19 I had an interchange with Fernando, actually not  
20 as part of this hearing, about the description of the  
21 European hierarchy. And I think he's going to be looking  
22 at how to correctly portray the European hierarchy. And  
23 then this morning I talked about perhaps in the context of  
24 any discussion of Europe, even if it's only a couple  
25 sentences, I think it's important to realize that the

1 Europeans do things in a certain way with regards to  
2 pre-processing and aggressive promotion of recycling and  
3 manufacturer responsibility that makes the system more  
4 whole in Europe.

5           On page 6 in the report and then I think  
6 elsewhere, there's a suggestion that the conversion  
7 technologies may have many advantages over landfilling,  
8 composting, transformation, and recycling. I think we may  
9 want to take a closer look at that. I'm not sure I'm  
10 ready to say that the conversion technologies are  
11 preferable to recycling or imply that. So the wording  
12 there may need to be worked on a little bit.

13           And then the last thing I wanted to mention, we  
14 had the discussion of peer review this morning. And I  
15 went back and looked at the legislation, and it does say  
16 that with regards to this report the Board shall require  
17 that the report be subject to an external scientific peer  
18 review process conducted pursuant to a certain section of  
19 the Health and Safety Code, which very carefully lays out  
20 the type of peer review process you use. We had some very  
21 generous offers this morning by some of the advocates they  
22 would provide people for the peer reviews. I'm not sure  
23 that's consistent with the Health and Safety Code. So I  
24 think we may need to look at how we might use the process.  
25 And if I'm not mistaken, it's Tam Doduc upstairs who now

1 kind of coordinates the peer reviews for CalEPA. But I  
2 want to make sure that we abide by what the legislation  
3 says.

4 COMMITTEE MEMBER MARIN: Mr. Chair, where was it  
5 that you were reading that conversion technologies are  
6 preferable to -- what was it -- recycling? Where was  
7 that?

8 CHAIRPERSON PAPARIAN: Bottom of page 6.

9 COMMITTEE MEMBER MARIN: Oh, okay. Because I  
10 read landfilling. And everything else after that is  
11 landfilling, landfilling. So if you see the bottom and  
12 then the next item, it was -- I remember reading the  
13 technologies have over landfilling. Clearly, clearly,  
14 that's a true statement over landfilling. Now I see what  
15 you're saying, composting, transformation, and recycling.

16 CHAIRPERSON PAPARIAN: Right. I think I know  
17 what the staff was trying to get at there. But I think  
18 that could be -- I mean, just reading it literally, I take  
19 it a little bit the wrong way and I think others might as  
20 well. So you need to take a look at how that's portray --

21 COMMITTEE MEMBER MARIN: The landfilling over the  
22 items --

23 SUPERVISOR BERTON: This was language directly  
24 from the RTI report that we had peer reviewed as well. So  
25 this is language from the contract report to us based on

1 their life cycle analysis. And it's just pointing out  
2 what some of those potential benefits are. But we'll look  
3 at the language and see how it can be modified  
4 accordingly.

5 COMMITTEE MEMBER MARIN: Okay.

6 CHAIRPERSON PAPARIAN: I know you've been doing  
7 the delicate dance on this one in trying to put it  
8 together in an accurate and acceptable way. So you're  
9 doing good work.

10 COMMITTEE MEMBER MARIN: Thank you very, very  
11 much.

12 COMMITTEE MEMBER MULÉ: Thank you.

13 COMMITTEE MEMBER MARIN: I know this is a  
14 difficult subject. But, you know, I think you're bigger  
15 than the challenge before you.

16 Mr. Chairman, if I may on another note, and I  
17 mentioned it to you before, I really don't mind reading  
18 all of this for this particular Committee. It takes a lot  
19 of time and energy and effort. But I have a very serious  
20 concern insofar we are the Waste Board, and how many trees  
21 did we have to kill to produce all of this wonderful  
22 information on paper? I don't mind it. And I told  
23 everybody to give me information that I really need to  
24 make a determination. I go through it, you know, but I  
25 can go through it as well on my computer.

1           And I actually need to make a statement,  
2 Mr. Chairman, because I don't even know that all of this  
3 hard work is absolutely necessary for us to make a  
4 determination. And I know our staff is working very, very  
5 hard. They spend a lot of time putting all of this  
6 information together. I question the wisdom to put all of  
7 this in paper when -- if it is accessible and it should be  
8 accessible, some of this, online. I would much rather see  
9 us moving toward more online. Even the budget of the  
10 state of California -- remember the budget used to be this  
11 huge -- is no longer being provided in paper. So I don't  
12 want the Governor to be ahead of us, Mr. Chairman.

13           CHAIRPERSON PAPARIAN: Yeah. I don't know if  
14 this Committee is going to be the right one to discuss  
15 this. Probably -- I see Mark's head spinning right now.  
16 But I think that I agree that we ought to be hunting out  
17 and destroying all paper copies of everything that comes  
18 our way and doing it electronically. I think both in  
19 terms of the material that we get, we ought to come up  
20 with systems so we can do most or all of it  
21 electronically. And at the same time, we have a lot of  
22 submittals to us. We've had the debate should it be on 30  
23 percent recycled content or 100 percent recycled content  
24 paper. How about if it's not even paper at all?

25           So I think that it would be challenging, I think,



1 for the staff to move in this direction. But I think it's  
2 going to be an important direction to move in. I think we  
3 ought to be going paperless.

4 COMMITTEE MEMBER MARIN: And in addition to that,  
5 I would like to see this Board moving toward dealing --  
6 see, I'd much rather spend the entire time talking about  
7 conversion technologies and talking about the composting  
8 study and really delving into policy issues than approving  
9 the super majority of these items for which staff has had  
10 to spend an inordinate amount of time, when clearly they  
11 could make the determination -- the staff could do it.  
12 And only those items that really necessitate Board action  
13 that would have to come before the Board.

14 And I know that we're probably going to have this  
15 discussion in our Board retreat, but I want everybody,  
16 especially the Board members, to start thinking about  
17 better ways. There's got to be a better way of utilizing  
18 our limited staff resources and not spend the inordinate  
19 amount of time that it's taken to put together this  
20 valuable information and important information. But at  
21 the end of the day, the decisions are very simple and very  
22 clear. And we have the statutes that tell us, you know,  
23 how to work within those. We could probably start  
24 thinking of delegating some authority to either our  
25 Director or our Deputies or our -- who else? Our staff

1 directors.

2 EXECUTIVE DIRECTOR LEARY: Branch chiefs.

3 COMMITTEE MEMBER MARIN: -- in some ways. And  
4 only those items that really necessitate Board  
5 intervention that would come to us.

6 CHAIRPERSON PAPARIAN: And that, I think, clearly  
7 is one probably for the full Board to grapple with.

8 Mark, do you want to comment on any of these?

9 EXECUTIVE DIRECTOR LEARY: Yes, I'd be happy to.

10 I think, Madam Chair, when you raise the  
11 paperless issue, you were preaching to the choir in the  
12 Committee Chair, who's been pushing for paperless for  
13 quite some time. In fact, Board Member Paparian has led  
14 by example in this building and throughout state  
15 government, as well as pushing for the arrangement for  
16 wireless technology and wireless access to the internet in  
17 these meetings rooms, such as you could bring your laptop  
18 as a replacement for your Board binder.

19 We've also, in the past couple of years, moved  
20 away from paper submittals to our stakeholders as part of  
21 providing reports to our mailing list and either provided  
22 CD ROMs or simply referred to the Board's website for  
23 access to these documents. All these documents, all the  
24 agenda items, all the attachments are available online.  
25 And, you know, I think we're ready to go paperless. In

1 fact, we're darn close to it as it is. And to the extent,  
2 you know, maybe as a movement towards more laptop  
3 computers for all of us to bring to these meetings and  
4 access our Board agenda items through a laptop rather than  
5 lugging these 40-pound binders around.

6 In regards to the second item of streamlining the  
7 agenda item again, Board Member Paparian and Board Member  
8 Peace heard loud and clear in the employee suggestion  
9 interactions over the last year or so about streamlining  
10 the agenda and the results that that may lead to staff  
11 being more productive in the field and implementing  
12 programs rather than preparing agenda items, which as you  
13 suggest, Madam Chair, are kind of pro forma approvals by  
14 the Committees and the Board. So staff and the executive  
15 staff as well as the staff of the organization are very  
16 open to those kinds of dialogues and discussions with the  
17 Board and the Board leadership in terms of defining what  
18 it wants to take up into the future in an effort to  
19 streamline its decision making process.

20 So we're open and happy to participate. I think  
21 as you suggest, Madam Chair, maybe the starting ground for  
22 some of this discussion may be in our retreat later this  
23 month.

24 CHAIRPERSON PAPARIAN: Okay. Any public comment?  
25 Mr. Mohajer couldn't resist. Come on up.

1           MR. MOHAJER: I just want to -- Mike Mohajer for  
2 the record. I just wanted to verify that the deadline  
3 that was suggested by Fernando having a comment period  
4 through February 15th, that was adopted, as well as having  
5 a workshop on February the 24th.

6           CHAIRPERSON PAPARIAN: I think the right way to  
7 consider it, yes, the comment deadline of February 15th  
8 and probably the 24th. They always have to go back and  
9 check various other calendars to make sure that works.  
10 But that's I think what they're aiming at is the 24th.

11           But you do a conversion technology list serve, so  
12 I'm sure you'll put it out on that as soon as you know.  
13 I'd put it in pencil for now or electronically.

14           Come on up.

15           MR. STEWART: On the basis of today's hearing,  
16 will this be removed from the Board agenda for the January  
17 18th as a discussion item?

18           CHAIRPERSON PAPARIAN: That's correct. I think  
19 it would come to the full Board in its next iteration.  
20 That's right.

21           Okay. Come on up, Mr. Theroux.

22           MR. THEROUX: Michael Theroux, Theroux  
23 Environmental.

24           I have collected a sizable amount of information  
25 on the nature of the Japanese, not just the technologies,

1 but how these technologies are presented to their public.  
2 And if that suits the Board, I can provide those to  
3 Fernando. We've gone into the some of the translations on  
4 those. It's very interesting the perspective in  
5 particular of how they advertise these to the public as  
6 are they recycling or whatever. And so I have a source of  
7 pretty hefty stack of information from the Development  
8 Bank of Japan that can perhaps add into the fuel to the  
9 fire here.

10 CHAIRPERSON PAPARIAN: I'm sure Fernando would  
11 appreciate that. He's limited only by the size of this  
12 building.

13 MR. THEROUX: We do need some assistance in  
14 translation. My translator left the country.

15 CHAIRPERSON PAPARIAN: That would mean more  
16 challenges.

17 COMMITTEE MEMBER MARIN: He speaks Japanese.

18 MR. THEROUX: That is a resource that we have  
19 available.

20 CHAIRPERSON PAPARIAN: Thank you.

21 Okay. If there's nothing else, this meeting is  
22 adjourned.

23 (Thereupon the California Integrated Waste  
24 Management Board, Special Waste Committee  
25 adjourned at 2:38 p.m.)

1 CERTIFICATE OF REPORTER

2 I, TIFFANY C. KRAFT, a Certified Shorthand  
3 Reporter of the State of California, and Registered  
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the  
6 foregoing hearing was reported in shorthand by me,  
7 Tiffany C. Kraft, a Certified Shorthand Reporter of the  
8 State of California, and thereafter transcribed into  
9 typewriting.

10 I further certify that I am not of counsel or  
11 attorney for any of the parties to said hearing nor in any  
12 way interested in the outcome of said hearing.

13 IN WITNESS WHEREOF, I have hereunto set my hand  
14 this 20th day January, 2005.

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23 TIFFANY C. KRAFT, CSR, RPR  
24 Certified Shorthand Reporter  
25 License No. 12277

Please note: These transcripts are not individually reviewed and approved for accuracy.

